

1 Jin Hao Liu - People - Direct. 413

2 Q Did you know they were police officers when
3 you first saw them point a gun at the tall one and the
4 short one?

5 MR. SCHECHTER: Objection, your Honor;
6 asked and answered.

7 THE COURT: Sustained.

8 Q After you saw people pointing the gun at the
9 tall one and the short one, what's the very next thing
10 that happened?

11 A When they -- when the police saw me, they
12 asked me to go into their car.

13 Q And did you go with the police?

14 A Yes.

15 Q After you were in the police car, policemen's
16 car, where was the next place you went if anyplace?

17 A Then I went back to the original basement.

18 Q Did the police go with you back to the
19 basement?

20 A Yes.

21 Q And did the police go into the basement?

22 A I'm not very sure.

23 Q But you went back to the basement with the
24 police?

25 MR. SCHECHTER: Objection, your Honor;

1 Jin Hao Liu - People - Direct 414

2 asked and answered.

3 THE COURT: It's been asked and
4 answered. Sustained.

5 Q What's the next place you went after you were
6 in the area where the basement was with the police?

7 A I didn't go down, but the police asked me is
8 this where they held you?

9 Q After you were in that area and pointed out
10 the police asked you is this the area where you were
11 held?

12 MR. SCHECHTER: Objection.

13 Q Where did you go next?

14 THE COURT: Sustained as to the form of
15 the question.

16 Q What did you say when the police said is this
17 where you were held?

18 A Yes. I said that's the place.

19 Q Where if anyplace is the next place you went
20 after that?

21 A Then we went to Chinatown to the precinct to
22 take deposition.

23 Q So you spoke to the police after the police
24 had stopped the car. That's my question.

25 A Yes.

1 Jin Hao Liu - People - Direct 415

2 Q Did you speak to the police after the police
3 stopped the car you were in?

4 A You mean to go to the precinct?

5 Q Just yes or no. Did you have a conversation
6 with the police after the police stopped the car you
7 were in? Yes or no?

8 THE COURT: At what point are you
9 talking about?

10 MR. KESSLER: Talking about after the
11 police stopped the car they were in.

12 THE COURT: She's already testified
13 she had some conversation with them when they
14 took her back to the basement so I don't know
15 what you're talking about.

16 Q After you were in the basement area with the
17 police, did you have a further conversation with the
18 police?

19 MR. SCHECHTER: Objection your Honor.

20 She didn't say she was in the basement
21 area.

22 Q After you pointed out the place where the
23 police asked you is this where you were, did you have a
24 further conversation with the police?

25 A Well, no.

1 Jin Hao Liu - People - Direct 416

2 Q After you were at the police station, where's
3 the next place you went?

4 A You mean after I gave my deposition where did
5 I go?

6 Q That's my question.

7 A I went to a hospital for examination.

8 Q Do you know the name of the hospital?

9 A Beekman Hospital.

10 Q Do you know what it's called now?

11 A New York Downtown Hospital.

12 Q Could you describe for us what happened while
13 you were at New York Downtown Hospital?

14 A The doctors and the nurses examined me and
15 took cotton swabs to wipe me.

16 MR. KESSLER: Your Honor, I have a
17 certified copy of the medical record of Jin
18 Hao Liu New York Downtown Hospital, copies
19 been turned over to counsel pursuant to
20 45.18. I ask they be admitted into evidence
21 subject to redactions People's exhibit number
22 1.

23 MR. SCHECHTER: Your Honor, I have no
24 objection subject to redaction, it not be
25 shown to the jury.

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2 THE COURT: People's 1 in evidence.

3 Mark it, please.

4 (Whereupon, People's Exhibit 1
5 was marked in evidence.)

6 Q Just one last question. The doctor that
7 examined you, had you ever met this doctor before?

8 A No.

9 Q Was it a man or a woman? Man or a woman, the
10 doctor?

11 A There was a man and a woman.

12 Q Both were in the room at the time?

13 A No. One by one.

14 MR. KESSLER: I have nothing further.

15 MR. SCHECHTER: Your Honor, can we have
16 just one moment?

17 THE COURT: We'll take a 10-minute
18 recess. Don't discuss the case among
19 yourselves or with anybody else. Don't let
20 anyone discuss it in your presence. Everyone
21 stay in place until the jurors leave the
22 courtroom.

23 (Whereupon, the jury left the
24 courtroom.)

25 THE COURT: Jurors have left. The

1 Jin Hao Liu - People - Direct 418

2 defendant can still be here. Witness can
3 step off.

4 People, you have 10 minutes. He has to
5 review his file.

6 (Whereupon, a brief recess was taken.)

7 THE CLERK: Case on trial continued,
8 People versus Hai Guang Zheng. Let the
9 record reflect presence of the defendant, the
10 official Mandarin interpreter, defense
11 attorney, assistant district attorney outside
12 the presence of any sworn jurors. At this
13 time, any applications before we start?

14 MR. SCHECHTER: Yes. If your Honor
15 pleases, I've been given of this witness, a
16 two-page complaint follow-up report. I've
17 been given page 1 previously, page 2 from
18 Detective Michael Green I have been given
19 today this morning. When I reviewed page 2,
20 your Honor, the last line says threats were
21 made, turn and there's nothing after that.
22 Would lead one to believe that there would
23 have to be a follow-up page to this complaint
24 follow-up of witnesses, your Honor and I've
25 never been provided with page 3 of this DD-5

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2 which would be a clear Rosario violation.

3 MR. KESSLER: Judge, I can say I have
4 the entire case file which was brought to me.
5 I have spoken and it appears Detective Green
6 indicates any paperwork he has is going to be
7 in this case file. There's two pages of this
8 5. They go through starting from the limo
9 abduction through the rapes. They finish
10 with the rapes and they're talking about the
11 time they're about to leave and it does say
12 the women were allowed to talk to their
13 family occasionally and threats were made
14 during. I checked every page of this and
15 doesn't appear to be any page that appears to
16 be a continuation. Detective Green will be
17 on the stand and should be here tomorrow.
18 I'll be able to question him further if there
19 is anything else, but he has sent word every
20 single paperwork in connection with this has
21 been turned over and this is all he has.

22 THE COURT: Well, that's the fact of the
23 matter, we'll have to see where it goes.

24 MR. KESSLER: Fair enough.

25 THE COURT: You ready other than that?

1 Jin Hao Liu - People - Cross 420

2 MR. SCHECHTER: Yes.

3 THE COURT: Bring the jurors in.

4 (Whereupon, the jury entered the
5 courtroom.)

6 THE CLERK: Case on trial continued.

7 Let the record reflect the presence of the
8 defendant, defense attorney, assistant
9 district attorney, official Mandarin
10 interpreter, 12 regular jurors, four
11 alternates presently.

12 Waive roll?

13 MR. SCHECHTER: So waived.

14 MR. KESSLER: So waived.

15 THE COURT: You may cross-examine.

16 THE CLERK: Ma'am, you were previously
17 sworn a little while ago and you're reminded
18 that you're still under oath. Do you
19 understand that?

20 THE WITNESS: Yes.

21 CROSS-EXAMINATION

22 BY MR. SCHECHTER:

23 Q Miss Liu, are you a United States citizen?

24 THE INTERPRETER: I didn't hear you.

25 Q Are you an United States citizen?

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A No.

Q Were you born in the United States?

A No.

Q How long have you been in the United States?

A 5 or 6 years.

Q And what is your status with immigration?

MR. KESSLER: Objection; relevance.

THE COURT: Sustained.

Q How long have you lived in New York?

A About five or six years.

MR. SCHECHTER: Your Honor, can we
approach for one moment?

THE COURT: Yes.

(Whereupon, a discussion was held off
the record, at the side bar among the Court,
defense counsel and the assistant district
attorney.)

Q When you arrived in the United States, who
did you come with?

A With my mother and my sister.

Q And for what reason did you come to the
United States?

MR. KESSLER: Objection.

THE COURT: Sustained.

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Q Did you come here on a student visa?

A No.

Q Did you come here with a green card?

MR. KESSLER: Objection.

THE COURT: Overruled.

A Yes.

Q Did you have a green card prior to coming to the United States?

MR. KESSLER: Objection.

THE COURT: Sustained.

Q Miss Liu, when did you find out your sister, your brother and sister-in-law were coming to New York?

A March 31st.

Q Was that the day you found out they were coming or was it sometime prior?

A Just about two days ago they notified us.

Q And when you arrived at the airport, how long were you there prior to seeing your brother and sister?

A That time I didn't have a watch. I'm not sure.

Q Can you approximate how much time?

MR. KESSLER: Objection; relevance.

THE COURT: Sustained. It's not relevant. Come on. Let's get going.

1 Jin Hao Liu - People - Cross 423

2 Q How long were you -- withdrawn.

3 After you got back in the limousine car to go back
4 to Manhattan with your brother and sister-in-law, how
5 long were you riding prior to being stopped by the other
6 vehicle?

7 A Just going out of the airport in a very short
8 while.

9 Q Do you know the location where the -- what
10 road you were on where the other vehicle stopped the
11 limo?

12 A It's, it's very -- it's near the airport
13 area.

14 Q Was it on a highway or on a street?

15 A Not on a highway yet.

16 Q Had you gotten on a highway from when you
17 left the airport?

18 MR. KESSLER: Objection.

19 THE COURT: sustained.

20 Q Now, in the area where the car was stopped,
21 was it dark?

22 A Yes.

23 Q Were there any streetlights around?

24 A I didn't really pay any attention.

25 Q Now, when -- where were you seated in the

Jin Hao Liu - People - Cross 424

limo car?

A I was in the back seat.

Q Behind the driver or behind the passenger?

A I was back of the driver.

Q Now, when the people came up to your car after you were stopped, you were ordered out of the car, am I correct?

A Yes.

Q And your brother -- where was your sister-in-law in the car in the limo.

A She was on the next seat of the driver's side.

Q In the front seat?

A Yes.

Q And was your brother next to you on the passenger side in the back seat?

A Yes.

Q Now, the person that you saw that had a gun at that time, can you describe the gun?

A No, I can't.

Q And am I correct in saying you're not familiar with guns?

A I don't -- not familiar with guns.

Q Do you know what color gun it was?

1 Jin Hao Liu - People - Cross 425

2 A It was black.

3 Q Do you know what type gun it was?

4 A No, I don't.

5 Q And the person that pointed the gun at you,
6 where was he? Was he on the driver's side or the
7 passenger side?

8 A They weren't pointing at me. They were
9 pointing the people in the front.

10 Q Was any -- and was that gun being covered by
11 anything?

12 A No.

13 Q Were you able to see the gun?

14 A I can see the gun.

15 Q Was that person on the driver's side or the
16 passenger side?

17 A It's on the passenger side.

18 Q After you got out of the car, did that -- did
19 that person get into the passenger side in the front of
20 the other car?

21 THE INTERPRETER: Repeat the question,
22 please?

23 Q The person that was pointing the gun --
24 withdrawn.

25 You then got out of the limo and got into the other

1 Jin Hao Liu - People - Cross 426

2 car, am I correct?

3 A Yes.

4 Q Was there any conversation prior to getting
5 into the other car about money?

6 A I never said anything.

7 Q Now, did they -- did either one of the two
8 men say anything about money?

9 A No.

10 Q Did they ever ask for your documents while
11 you were in the limousine?

12 A No.

13 Q Do you know what type car you got into?

14 A I don't know.

15 Q Do you know what color car that was?

16 A It was very dark. I couldn't see clearly.

17 Q Were you -- where in the car did you get in?

18 A In the back seat behind the driver.

19 Q Where was your brother?

20 A My brother was in the back seat also, but on
21 the other side.

22 Q And was your sister-in-law next to you?

23 A Yes.

24 Q And the individual that you said had the gun
25 pointed to the front to the people in the front of the

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limousine, did he get in the passenger side of the second car?

A Are you talking about his car or our car?

Q The second car, the car that you got into.

THE COURT: Well, they got into both cars.

Q Not the limousine car, the other car?

A You have to ask that question again.

Q The person who was by the passenger side of the limousine car, did you see where he got into the second car?

A The one that had the gun was sitting next to the driver.

Q Now, you said when you looked at Mr. Zheng, he was the driver of the car, am I correct?

A Yes.

Q While you were in the second car driving with your brother in the car, how long was your brother in the car before he was let out of the car?

A I don't -- I don't know exactly how long.

Q Can you approximate how much time?

A I completely don't know.

Q Could you say if it was more than one hour or not?

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2 MR. KESSLER: Objection.

3 THE COURT: Witness said she doesn't
4 know.

5 MR. SCHECHTER: Well, your Honor, I'm
6 just trying by going a major time period
7 whether she can or not.

8 THE COURT: You want to press it, go
9 ahead.

10 A I don't know.

11 Q Was the car moving when the gentlemen --
12 well, withdrawn.

13 Which gentleman asked you -- was speaking to you
14 about your passport and the documents? Was it the
15 driver or the passenger of the car?

16 A They didn't ask me. They asked my brother.

17 Q Okay. Was that -- which one asked your
18 brother?

19 A The one on the passenger side.

20 Q And what was said when your brother gave them
21 his passport and other documents?

22 A He said we had kidnaped the wrong person.

23 Q Did he ever ask your brother for money while
24 your brother was in the car?

25 A My brother asked them is it that you want

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money?

Q Did either of them answer?

A That time he didn't answer my brother.

Q When you say that time, are we talking about the passenger of the car?

A Yes.

Q At any time while your brother was in the car, did the driver say anything to either you, your sister-in-law or your brother?

A I don't remember.

Q But it was the person with the gun on the passenger side who was doing all the talking, am I correct?

MR. KESSLER: Objection to the term --

THE COURT: Sustained to the form of the question.

Q The person on the passenger side was the one who was talking to your brother?

A And so?

Q Yes or no.

THE COURT: Well, sustained. Rephrase the question. You made it as a statement, not as a question.

Q Did either of the two individuals in the car

1 Jin Hao Liu - People - Cross 430

2 ever ask you any questions?

3 A No.

4 Q Did they ever ask your sister-in-law any
5 questions?

6 THE INTERPRETER: She nods.

7 Q Did you ever see either of the two
8 individuals give your brother anything before -- while
9 he was still in the car?

10 A Is it before the bridge?

11 Q Just going back, when that passenger asked
12 your brother for the documents, was the car moving or
13 was it stopped?

14 MR. KESSLER: Objection.

15 THE COURT: Sustained.

16 Q Now, what did they -- you know what they gave
17 -- who gave your brother a piece of paper?

18 A I don't remember which one gave me the paper.

19 Q Did you see what was on that paper?

20 A It had a phone number on it.

21 Q Did they give him any money?

22 A No.

23 Q Now, after your brother got out of the car,
24 do you know how long it was till you got to the basement
25 apartment?

1 Jin Hao Liu - People - Cross 431

2 A I don't remember.

3 Q When you arrived at the basement apartment,
4 you then went inside with your sister-in-law and the two
5 men?

6 A Yes.

7 Q Now, did the third person arrive before one
8 of the men left or after one of the men left?

9 A The second person leave, then the third
10 person appear.

11 Q The person who left, that was the person in
12 the car who had the gun?

13 A Yes.

14 Q Can you describe that person who left?

15 A You mean the one that left, I don't remember.

16 Q How long was it from the time that he left
17 'till the third person got there?

18 A He didn't leave yet. The third one appeared.

19 Q The third person got there before the second
20 one left?

21 A Yes.

22 Q How long had you been -- can you approximate
23 how long you'd been at the apartment before the third
24 person got there?

25 A Not very long.

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Q Now, at that time before you went to bed, did you have anything to eat?

A Yes. I had some cookies.

Q They allowed you to cook?

THE COURT: Wait a minute. What was her answer?

THE INTERPRETER: Cookies.

THE COURT: She had some cookies?

Q They gave you cookies?

A Some noodles.

Q You said that they asked you if you're hungry you can take food?

A Yes.

Q And you took cookies? You took the noodles?

A Yes.

Q And did your sister-in-law take any food?

MR. KESSLER: Objection; relevance.

THE COURT: Overruled.

A Yes.

Q Now, that evening, did either of the two men ask you for money?

A No, didn't ask me for money.

Q Now, how long was it that -- did you then go to sleep?

1 Jin Hao Liu - People - Cross 433

2 THE COURT: Wait a minute. Rephrase it.

3 Q Did there come a time a time that evening
4 that you went to sleep?

5 A No.

6 Q Were you and your sister-in-law alone at all
7 at that time from the two men?

8 THE COURT: At what time are you talking
9 about?

10 Q After you had food.

11 A Yes.

12 Q And can you approximate how long you were
13 left alone with your sister-in-law?

14 A I was never -- I was never alone with my
15 sister.

16 Q At any time from the time you first got into
17 the basement apartment until the time you left the
18 basement apartment, did either of the two men besides --
19 after the third person left and then there were the two
20 people remaining starting at that time, at any time
21 thereafter, did either of the two of those two men ever
22 leave?

23 A You mean the both of them left, no.

24 Q Did either one of them leave?

25 A There was always one there.

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Q Well, okay. During that time did the taller man leave?

A Yes.

Q And when was that?

A This is the next day in the morning.

Q Was that before or after you gave him the phone number?

A She said you mean did I give it to him before he left or after he left?

Q Yes.

A When he left, I gave it to them.

THE COURT: Did you give it to him before he left?

THE WITNESS: I gave it to him and then he left.

Q Can you approximate how long he was gone for?

A I don't know.

Q When he came back, did he have food with him?

A I'm not very sure.

Q At any other time did either one of the two males leave the apartment?

A I don't understand.

Q Well, you said the tall man left in the morning and then came back?

1 Jin Hao Liu - People - Cross 435

2 A Yes.

3 Q At any other time besides for that one time
4 did either one of the two men leave?

5 A The tall one then went out again.

6 Q How many times did the tall one leave the
7 apartment?

8 A I'm not very clear about it.

9 Q At any time did the shorter man leave?

10 A No.

11 Q And the gun was always left in the apartment?

12 A Yes.

13 Q And so when the taller man was out the
14 shorter man had the gun with him?

15 A I'm not clear about that.

16 Q Okay. Now, you said there came a time that
17 your sister-in-law went with the taller man in another
18 room?

19 A Yes.

20 Q And you said I believe also that the tall man
21 had the gun with him at that time?

22 A Yes.

23 Q So that means that the shorter man never had
24 a gun at that time?

25 A I'm not clear about that.

1 Jin Hao Liu - People - Cross 436

2 Q But you're sure when your sister-in-law went
3 in the other room the taller man had the gun with him?

4 MR. KESSLER: Objection; asked and
5 answered.

6 THE COURT: Sustained.

7 MR. SCHECHTER: Can I just have one
8 moment?

9 (Pause.)

10 Q Do you remember testifying in the grand jury
11 on July 17th?

12 A Yes, I remember.

13 Q Do you remember being asked these questions?

14 THE COURT: One at a time.

15 Q And giving these answers? Page 31, page 31,
16 line 17. What happened to you in the first --

17 "QUESTION: What happened to you in the first
18 bedroom?

19 "ANSWER: The shorter guy took off my clothes and
20 he's touching me and he kissed me."

21 Remember being asked that question and giving that
22 answer?

23 A You mean he took me to another room?

24 THE COURT: No. Do you remember being
25 asked that question and giving that answer?

1 Jin Hao Liu - People - Cross 437

2 A When they asked me --

3 THE COURT: No. Sustained. That's not
4 responsive.

5 Do you remember being asked the question
6 he just asked you and the answer that he just
7 gave you?

8 Do you remember that?

9 THE WITNESS: Yes.

10 Q And then do you remember being asked the next
11 question?

12 "QUESTION: Where did he touch you?

13 "ANSWER: He touched my front chest, my breasts."

14 A Yes.

15 Q And do you now remember being asked this next
16 question?

17 "Did he have the gun around him at that time?

18 "ANSWER: He put his gun on the bed."

19 A Is he talking about --

20 THE COURT: No, no. Does she remember
21 being asked that question and giving that
22 answer?

23 Q We're talking about the shorter gentleman.

24 THE INTERPRETER: Repeat the question,
25 please.

1 Jin Hao Liu - People - Cross 438

2 Q Do you remember being asked this question and
3 giving this answer? We're talking about you with the
4 shorter gentleman.

5 "Did he have the gun around him at that time?

6 "ANSWER: He put his gun on the bed.

7 A Yes.

8 Q And then you remember being asked this
9 question?

10 "Could you see it?

11 "ANSWER: I saw him put his gun under the pillow
12 last night."

13 A Yes.

14 Q "QUESTION: So it was near him?

15 "ANSWER: Yes".

16 A Yes.

17 Q Okay. That would be the shorter gentleman
18 who had the gun, am I correct?

19 MR. KESSLER: Objection.

20 THE COURT: Sustained as to the form of
21 the question.

22 Q At the time that you were with the shorter
23 gentleman, he had a gun, am I correct?

24 A I'm not very clear.

25 Q But you remember being asked those questions

1 Jin Hao Liu - People - Cross 439

2 and giving those answers?

3 THE COURT: Sustained. It's been asked
4 and answered.

5 Q Now, when you were with the tall gentleman,
6 you said he took off his clothes?

7 A Yes. He took his clothes off.

8 Q Did you see any marks or bruises on his lower
9 area where one would wear underwear?

10 A I didn't pay attention.

11 Q The weapon that you said you saw in the
12 house, can you describe that weapon?

13 THE INTERPRETER: No. She nod her
14 head.

15 Q The car that you got into at the airport, the
16 second car would you describe that car?

17 MR. KESSLER: Objection; asked and
18 answered.

19 THE COURT: Sustained.

20 Q Did you eat anything the second day?

21 A The next day I ate a little food.

22 Q Did you cook the food or did the males cook
23 the food?

24 MR. KESSLER: Objection.

25 THE COURT: Sustained.

1 Jin Hao Liu - People - Cross 440

2 Q At any time did the tall man ever strike you?

3 A No.

4 Q Did he ever punch you?

5 A No.

6 Q Did he ever kick you?

7 A No.

8 Q Did the tall man and the shorter man sleep in
9 the same room the first night?

10 THE COURT: What do you mean by the same
11 room?

12 Q Were they sleeping in the same room or were
13 they in separate bedrooms?

14 THE COURT: Rephrase the question.

15 Q Did the shorter man and taller man sleep in
16 the same room or in different rooms?

17 A In the same room.

18 Q And you said that there came a time where you
19 then left with the two gentlemen?

20 THE INTERPRETER: I didn't get the
21 question.

22 Q Did there come a time that you left the
23 basement apartment?

24 A Yes.

25 Q And the gentleman who you described as the

1 Jin Hao Liu - People - Cross 441

2 taller gentleman --

3 MR. KESSLER: Judge, I object to the
4 term "gentleman" at all.

5 THE COURT: Sustained.

6 Q The two men, the taller man, was he driving
7 the car or was he the passenger in the car?

8 THE COURT: At what time?

9 Q When they left the basement apartment.

10 A The tall one.

11 Q Hum?

12 A The tall one.

13 Q Yes.

14 THE COURT: Yes what?

15 Q Was he the driver or --

16 THE COURT: You asked her who was the
17 driver. She said the tall one.

18 Q How far did you go before the car was
19 stopped?

20 A Just about two streets.

21 Q When you said there came a time that you went
22 back to the -- near the vicinity of the apartment?

23 A You mean they left, we left and went back
24 again?

25 Q Yes.

1 Jin Hao Liu - People - Cross 442

2 A With the --

3 Q With the police.

4 A The two of them and the police.

5 Q Were you in the same car as the two men?

6 A No.

7 Q Did the two men also go back to the

8 apartment, to the basement?

9 A No.

10 Q Am I correct in saying you never went back

11 into the basement apartment?

12 A No.

13 Q Did you stay in the car?

14 A You mean with the police or with them?

15 Q With the police.

16 A I was in the police car.

17 Q And you don't know if any policemen went into

18 that apartment?

19 A I'm not clear about it.

20 Q And you didn't have any further conversation

21 with any police officer while after you were at the

22 basement apartment again?

23 A I didn't go back into the basement.

24 Q Did you have any conversation -- withdrawn.

25 Was there any interpreter there who spoke Chinese

1 Jin Hao Liu - People - Cross 443

2 at that time that you went back to the basement
3 apartment?

4 A You mean I went back to the apartment?

5 Q When you were in the vicinity with the
6 police.

7 THE COURT: Wait a minute. Wait a
8 minute, please. Either you're not asking it
9 right or she's not getting the question.
10 Please clarify the question for the witness.

11 Q You said you were in the police car near the
12 basement apartment?

13 A Yes.

14 Q Was there any person there who spoke both
15 Chinese and English?

16 THE COURT: You mean a policeman?

17 Q A policeman?

18 A On the telephone someone spoke Chinese.

19 Q When you were in -- when you were in the
20 police car by the apartment, by the basement --
21 withdrawn.

22 THE COURT: Thank you.

23 MR. SCHECHTER: Your Honor, can we have
24 a side bar before I ask my next question?

25 THE COURT: Sure.

1 Jin Hao Liu - People - Cross 444

2 (Whereupon, a discussion took place off
3 the record, at the side bar, among the Court,
4 defense counsel and the assistant district
5 attorney.)

6 Q Miss Liu, prior to March 31st of 1995, did
7 you ever have sexual relations with anyone other than
8 those two?

9 MR. KESSLER: Judge, I object to him
10 saying that with sexual relations.

11 THE COURT: Sustained as to the form of
12 the question.

13 Q Had you ever had sexual intercourse with
14 someone prior to March 31st of 1995?

15 A Yes.

16 Q When was the last time prior to March 31st,
17 1995 that you had sexual intercourse?

18 A You mean March 31st?

19 Q Prior. Did you have sexual intercourse with
20 anyone on March 31st?

21 A Before you mean?

22 Q Yes. Before going to the airport?

23 A You mean the same day or what?

24 THE COURT: When was the last time if
25 ever did you have sexual relations prior to

1 Jin Hao Liu - People - Cross 445

2 March 31st, 1995?

3 THE INTERPRETER: Before?

4 A Yes.

5 Q When was it?

6 A January.

7 MR. SCHECHTER: One further moment.

8 Your Honor, I have nothing further of
9 this witness.

10 THE COURT: Any redirect?

11 MR. KESSLER: No, no.

12 THE COURT: You can step down. Counsel,
13 you want to step up a minute?

14 (Whereupon, a discussion was held off
15 the record, at the side bar, among the Court,
16 defense counsel and the assistant district
17 attorney.)

18 THE COURT: Ladies and gentlemen, we'll
19 recess now until 9:30 tomorrow morning.
20 Don't discuss the case among yourselves or
21 with anybody else. Don't let anyone discuss
22 the case with you in your presence. Report
23 tomorrow morning 9:30 to where the Court
24 Officer tells you where to report. Don't
25 come to the courtroom. Have a nice evening.

1 Jin Hao Liu - People - Cross 446

2 See you tomorrow.

3 (Whereupon, the jury left the
4 courtroom.)

5 THE COURT: All right. The jurors have
6 left the courtroom. Take the defendant back.
7 I'll see you 9:30 tomorrow morning.

8 MR. SCHECHTER: Your Honor, I have one
9 application and I don't remember what it was.

10 THE COURT: Well, that's great. Wait a
11 minute. You want to wait a few seconds?
12 Think you can refresh your recollection?

13 MR. SCHECHTER: If I refresh my
14 recollection, I'll do it in the morning.

15 MR. KESSLER: I think I remember. He
16 was going to go into an area he said not the
17 way you did it, but then you went into it.
18 We were up at side bar and said illegal
19 alien.

20 MR. SCHECHTER: Okay.

21 MR. KESSLER: Went into the green card.

22 MR. SCHECHTER: That was it. Tomorrow
23 morning I'll be here 9:30.

24 (Whereupon, the trial was adjourned
25 until June 28, 1996.)

Jin Hao Liu - People - Cross 447

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS: CRIMINAL TERM, PART K-25

-----X
THE PEOPLE OF THE STATE OF NEW YORK,

Ind. No.
3282/95

-against-

Jury Trial

HAI GUANG ZHENG,

Defendant.

-----X

June 28, 1996

Queens Supreme Court
125-01 Queens Boulevard
Kew Gardens, NY 11415

B E F O R E :

THE HONORABLE STANLEY B. KATZ,
Justice, Supreme Court

A P P E A R A N C E S :

For the People:

THE HONORABLE RICHARD A. BROWN,
District Attorney, Queens County,
By: SCOTT KESSLER, ESQ,
Assistant District Attorney

For the Defendant:

DONALD SCHECHTER, ESQ.

Catherine R. Parker,
Official Court Reporter

Jin Hao Liu - People - Cross 447

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Official Court Reporter

Proceedings 448

1
2 THE CLERK: Case on trial continued,
3 calendar number 4, 3282 of '95, People versus
4 Hai Guang Zheng. Let the record also reflect
5 the presentation of the official Mandarin
6 interpreter.

7 THE CLERK: For the record, what is your
8 name?

9 THE DEFENDANT: Hai Guang Zheng.

10 MR. SCHECHTER: Donald Schechter, 10
11 Cuttermill Road, Great Neck, New York.

12 MR. KESSLER: Scott Kessler, for the
13 People.

14 MR. SCHECHTER: Your Honor, I just ask
15 if he spoke to Detective Green about that
16 police report.

17 MR. KESSLER: Yeah. I spoke to
18 Detective Green yesterday when I got back.
19 He indicated to me I read him everything that
20 was on the 5. He indicated that he has no
21 idea about any other 5 that he could have
22 typed. He'll be in Monday. We can question
23 him about it, but that's all I know. That's
24 all I have.

25 THE COURT: Other than that, are we

1 Liu Yan Wu - People - Direct 449
2 ready to proceed?

3 MR. SCHECHTER: Yes.

4 THE COURT: Bring the jurors in, please.

5 (Whereupon, the jury entered the
6 courtroom.)

7 THE CLERK: Case on trial. Let the
8 record indicate the presence of 12 regular
9 jurors, four alternate jurors all present
10 properly seated. All sides waive formal
11 reading of the roll?

12 MR. KESSLER: So waived.

13 MR. SCHECHTER: So waived.

14 THE COURT: Good morning, ladies and
15 gentlemen. Call your next witness.

16 MR. KESSLER: People call Miss Liu Yan
17 Wu.

18 L I U Y A N W U, a witness called on behalf of the
19 People, a resident of Los Angeles, California, after
20 having first been duly sworn by the Clerk of the Court,
21 took the witness stand and testified as follows:

22 THE COURT: You may inquire.

23 MR. KESSLER: Thank you.

24 DIRECT EXAMINATION

25 BY MR. KESSLER:

Liu Yan Wu - People - Direct 450

1
2 Q Miss Wu, can you tell us how old you are?

3 A 25 years old old.

4 Q Are you married?

5 A Yes, I'm married.

6 Q What is the name of your husband?

7 A Liu Guo Bang.

8 Q Now, directing your attention to the date of
9 March 31st, 1995, do you recall that date?

10 A Yes.

11 Q And on that date, what were your plans for
12 that particular date?

13 A I am from Los Angeles coming into New York.

14 Q And do you recall did anyone fly with you
15 from Los Angeles into New York?

16 A My husband.

17 Q When you arrived in New York on March 31st,
18 1995, was there anyone there to greet you?

19 A Yes.

20 Q And who was that?

21 A It was Jin Hao Liu.

22 Q And Jin Hao Liu related to your husband at
23 all?

24 A It's his sister.

25 Q did there -- when you got to Kennedy Airport,

1 Liu Yan Wu - People - Direct 451

2 what was the next thing that occurred after you had
3 picked up your luggage.

4 A With my sister-in-law, we all went to pick up
5 our luggage and then we went into our cab.

6 Q After you were in the cab with your luggage,
7 could you tell the members of the jury what was the next
8 thing that happened?

9 A Then we -- the car started and we were
10 heading home.

11 Q What if anything occurred as you were heading
12 home?

13 A While the car was driving not too long, there
14 was another car that blocked us.

15 Q And could you describe for us how this other
16 car blocked your car?

17 A They drove in front of our car and blocked
18 us.

19 Q What happened after they drove in front of
20 your car and blocked you?

21 A Two men came out of the car. One person --
22 one person had his gun on the driver, one person had the
23 gun on me.

24 Q Could you see the guns?

25 A Yes.

1 Liu Yan Wu - People - Direct 452

2 Q Were they being hidden by anything?

3 A No.

4 Q Where were you located when the men with the
5 gun came?

6 A I was behind the driver.

7 Q What happened after you saw the two men with
8 the gun?

9 A They asked me to get out of my car and go
10 into their car.

11 Q And did you go into their car?

12 A Yes, we did.

13 Q Who went with you if anyone into their car?

14 A With my husband and my husband's sister.

15 Q Once you were in their car, what happened
16 next?

17 A They asked me where we are coming from and
18 where we are going.

19 MR. SCHECHTER: Your Honor, I'm going to
20 object to the term "they." If we can be more
21 definitive.

22 THE COURT: Well unless both of them
23 asked.

24 Overruled.

25 Q Was there one person who was in the car,

1 Liu Yan Wu - People - Direct 453

2 their car who was driving and one person who was in
3 their car that was in the passenger seat?

4 A Yes.

5 Q The one that had asked you where you were
6 coming from was that the driver of the car or the
7 passenger?

8 A The passenger.

9 Q After he had said that to you, what happened
10 next while you were inside the car?

11 A I told him we came from Los Angeles and we
12 are coming to New York.

13 Q Did your husband have any conversations with
14 the passenger?

15 A Yes, they did talk.

16 Q Do you recall what substance of the
17 conversation was?

18 A The same thing that we came from LA and we're
19 coming to New York.

20 Q Did there come a time when anyone in the car
21 left the car.

22 A Yes.

23 Q And who left the car?

24 A My husband.

25 Q Do you know where your husband left the car,

1 Liu Yan Wu - People - Direct 454

2 in what area?

3 A I don't know.

4 Q After your husband left the car, where if
5 anyplace did you go next?

6 A Then these two men drove myself and my sister
7 somewhere.

8 Q Did you know where they drove to?

9 A I don't know.

10 Q Did they still have the guns they had earlier
11 with them at the time you arrived at the second
12 location?

13 MR. SCHECHTER: Objection.

14 THE COURT: Overruled.

15 A Yes.

16 Q When you arrived at the second location,
17 where if anyplace did you go?

18 A They drove me to an area where we entered a
19 home.

20 Q Did you enter on the bottom of the home, the
21 basement area or on the top of the home?

22 A It was the basement.

23 Q When you got into the basement, what happened
24 initially when you got there?

25 A They took our passport to look at it.

1 Liu Yan Wu - People - Direct 455

2 Q Did anyone else arrive in the basement while
3 you were there with the two men?

4 A Yes.

5 Q And after this person arrived, did anyone
6 leave the basement?

7 A Yes.

8 Q The person that left, was he the driver of
9 the car or the passenger in the car?

10 A It was the passenger.

11 Q Is there any difference in height between the
12 person who was driving the car and the person who
13 initially came later?

14 THE INTERPRETER: Could I have that
15 question again?

16 Q Is there any difference in height between the
17 person who was driving the car and the person, the third
18 person that showed up later?

19 THE INTERPRETER: She wants the question
20 again.

21 THE COURT: Why don't you rephrase it?

22 Q Was the third person that showed up taller or
23 shorter than the driver?

24 A The third person that came in his shorter
25 than the driver.

1 Liu Yan Wu - People - Direct 456

2 Q Now, when you arrived into the basement
3 apartment, did you have any other conversations with
4 either one of the two men remaining, the tall one and
5 the short one?

6 MR. SCHECHTER: Objection. Are we
7 talking about after the third person left
8 came in or before?

9 THE COURT: I don't know. You want to
10 have him ask?

11 MR. SCHECHTER: I don't know what time
12 we're talking about.

13 THE COURT: Clarify.

14 Q After the third person came, did you have any
15 conversations with either the tall person or the short
16 person?

17 A When the third person came in, I spoke to the
18 tall one.

19 Q What did the tall person say to you and what
20 did you say to him?

21 A They asked me if my passport was accurate.

22 Q Did they say anything else to you -- did he
23 say anything else to you?

24 A We were very scared. I asked him what's
25 happening.

Liu Yan Wu - People - Direct 457

Q Did he tell you any response after you asked him what's happening.

A He said don't be afraid. We're planning something.

MR. SCHECHTER: What?

THE INTERPRETER: We're planning something.

Q That night, the night you were first in the basement, did you sleep at all that night?

A No, the whole night I was very scared.

Q Where were you and your sister-in-law that night? Where were you located?

A We where in the basement area.

Q Did you see any guns when you were in the basement area that night?

A Yes.

Q Where did you see the guns?

A It was next to the pillow.

Q Can you describe for us what if anything happened the next morning.

A The next morning the tall one acted very angry.

Q What if anything did he say?

A He told me to go to the bed.

Liu Yan Wu - People - Direct 458

2 Q And what did you do?

3 A So I went to the bed.

4 Q Whose bed?

5 A The tall, the tall one's bed.

6 Q What happened after you arrived at the tall
7 one's bed.

8 A I lied down. The tall one had kept touching
9 my breasts.

10 Q What was he touching your breast with?

11 A He used his hands.

12 Q Did you say anything to him?

13 A Yes.

14 Q What did you say?

15 A I told him not to do this.

16 Q What if anything did you do at that point?

17 A I kept telling him not to do this and then he
18 used his hands to touch my lower part.

19 Q What if anything else did he do with his
20 hands while you were in that bed?

21 A He kept touching my breasts and touching my
22 lower part with his hands and I kept telling him not to
23 do it because I couldn't face my husband.

24 Q What if anything happened next?

25 THE INTERPRETER: I have to ask her to

Liu Yan Wu - People - Direct 459

shorten the sentence. Maybe we have the question again.

Q After his hands were touching your body in the bed, what if anything was the next thing that happened.

A I kept telling him not to do this to me cause I could not face my husband.

Q Did there come a time that you left that bedroom area?

A Yes.

Q And where if anyplace did you go?

A I went to another room.

Q Who went with you to the other room if anyone?

A The tall one.

Q I'm going to ask you to take a look around this courtroom from that wall to that wall from that wall to this wall and ask you if you see any of the people that were in that apartment with you on March 31st, 1995.

A He's not here.

Q What happened after you were in the other room?

A Then he asked me to lie down again.

1 Liu Yan Wu - People - Direct 460

2 Q What happened after you lied down?

3 A He told me not to make any noise and listen
4 to him.

5 Q What happened after he said that?

6 A So I lied down.

7 Q After you lied down, what occurred?

8 A Then he touched my vagina.

9 Q What happened next?

10 A Then I kept telling him and I kept pushing
11 him.

12 Q What if anything did you say to him and what
13 if anything did he say to you?

14 A That time I'm not very clear about.

15 Q What else happened while you were in the
16 other room with this man?

17 A He kept touching me and I kept pushing him.

18 Q Where was he touching you and where were you
19 pushing him?

20 A He's touching my vagina and he pulled down my
21 pants and I kept pushing him.

22 Q What if anything happened after he pulled
23 down your pants?

24 A He put his penis in my vagina.

25 Q What happened after he put his penis in your

1 Liu Yan Wu - People - Direct 461

2 vagina?

3 A So I kept pushing him.

4 Q What happened next?

5 A I kept telling him to let us go because I
6 can't face my husband this way.

7 Q Did there come a time that you finally left
8 that room?

9 A Yes.

10 Q Was there any guns in that room that you were
11 in with this man?

12 A Yes.

13 Q Did he do anything with the gun while you
14 were in the room?

15 A Yes. He pointed the gun at me many times.

16 Q Where on your body did he point the gun?

17 A He pointed it at my head.

18 Q Did he threaten you at all while you were
19 inside that room?

20 A Yes.

21 Q What if anything did he say?

22 THE INTERPRETER: I have to ask her to
23 repeat that again. I have to ask her what
24 that word is.

25 A He said do you know that some people would

1 Liu Yan Wu - People - Direct 462

2 use a stick to put into your vagina.

3 Q Other than that threat to you, did he make
4 any other threats to you while you were inside that
5 room?

6 A No.

7 Q After you left that room, where if anyplace
8 did you go?

9 A Then I went back to the original room.

10 Q What if anything happened when you got back
11 to the original room?

12 A Then I -- when we went back to the original
13 room, he asked me to lie down again.

14 Q Before you left that other room, while you
15 were in the other room, did he give you anything?

16 A Yes.

17 Q What did he give you?

18 A After he raped me --

19 MR. SCHECHTER: Objection to the term
20 rape.

21 THE COURT: Sustained.

22 Q Could you tell us after his penis was in your
23 vagina.

24 MR. SCHECHTER: Objection.

25 THE COURT: Overruled.

1 Liu Yan Wu - People - Direct 463

2 Q What if anything did he give you?

3 A He used a cloth.

4 MR. SCHECHTER: Used --

5 MR. KESSLER: A cloth.

6 Q What if anything did he do with the cloth?

7 A He used the cloth to wipe himself and then he
8 gave the cloth to me to wipe myself.

9 MR. KESSLER: I'm sorry. I just need
10 one moment, your Honor.

11 (Pause.)

12 Q Do you know during what was occurring in the
13 other room? Did this man ejaculate at all?

14 A Yes.

15 Q Do you recall if it was in your vagina or
16 outside your vagina?

17 A I don't remember.

18 Q When you got back into the other room, would
19 you tell us was your sister-in-law still there?

20 A Yes.

21 Q Did she ever leave that room after you got
22 back?

23 A Yes.

24 Q Where if anyplace did she go?

25 A She went to the other room.

1 Liu Yan Wu - People - Direct 464

2 Q Did she go to the other room with the taller
3 man or the shorter man?

4 A The tall one.

5 Q After she left to the other room with the
6 tall man, what if anything occurred in the room you were
7 in with the shorter man?

8 A The tall one told me to go to the short one's
9 bed and lie down.

10 Q And did you lie down on the short one's bed?

11 A Yes.

12 Q Describe for us what if anything happened
13 after you lied down on the shorter man's bed?

14 A The short one kept touching my lower part and
15 pulled down my pants.

16 Q After the shorter one pulled down your pants,
17 what if anything happened?

18 A He put his penis in my vagina.

19 Q Can you describe how you're feeling at this
20 point in time?

21 MR. SCHECHTER: Objection.

22 THE COURT: Overruled.

23 MR. SCHECHTER: Your Honor, can we
24 approach for a minute?

25 THE COURT: Yes.

1 Liu Yan Wu - People - Direct 465

2 (Whereupon, a discussion was held off
3 the record, at the side bar, among the Court,
4 defense counsel and the assistant district
5 attorney.)

6 THE COURT: Rephrase the question.

7 Q Could you tell us about your physical
8 strength, how much physical strength did you have at
9 this point in time as you were in the bed with the
10 second man?

11 MR. SCHECHTER: Objection to the term
12 "second man."

13 THE COURT: He's the shorter man.

14 Q The shorter man.

15 A I couldn't handle him.

16 Q What do you mean by you couldn't handle him?
17 Would you tell us exactly why?

18 A I didn't have enough strength to push him.

19 Q After the shorter man put his penis into your
20 vagina, what if anything occurred next?

21 A In a short while, he ejaculated.

22 Q Did there come a time that your sister-in-law
23 came back from the other room with the taller man?

24 A Yes.

25 Q After they came back to the same room you

1 Liu Yan Wu - People - Direct 466

2 were in what if anything was the next thing that
3 occurred?

4 A The tall one was lying in his bed. The short
5 one is lying in his bed and they asked myself and my
6 sister-in-law to lie down next to them.

7 Q During the time that you were in this
8 apartment at any point in time did you give either one
9 of the two men the name of your husband?

10 A Yes, I did.

11 Q Was it the taller man or the shorter man?

12 A I gave it to the tall one.

13 Q During the time that you were in the
14 apartment, do you recall seeing any type of phones in
15 it?

16 A Yes.

17 Q Did either one of the two men use the phones
18 in your presence?

19 A Yes.

20 Q Was it the taller man or the shorter man?

21 A The tall one.

22 Q Did you ever see the shorter man using the
23 phones?

24 A No.

25 Q The taller man, could you describe his

1 Liu Yan Wu - People - Direct 467

2 appearance for me that you saw using the phones?

3 A Tall and thin.

4 Q Was his face round or square?

5 MR. SCHECHTER: Objection, your Honor.

6 THE COURT: Sustained. That's leading.

7 Q Can you describe his face for us, the shape
8 of it?

9 A His face was on the long side.

10 Q The shorter man, could you describe his face
11 for us?

12 A It was more on the round side.

13 Q The color of their hair, to you recall color
14 of their hair?

15 A Black.

16 Q Do you recall if either one of their hair was
17 long or short?

18 MR. SCHECHTER: Objection. Which
19 gentleman are we talking about?

20 THE COURT: Sustained.

21 Q Was the tall one's hair long or short on
22 March 31st of 1995?

23 A Short.

24 Q During the time you were in that apartment,
25 did you eat at all?

1 Liu Yan Wu - People - Direct 468

2 A Yes.

3 Q Do you recall what you ate?

4 A I had some some noodles and I had a drink. I
5 had some liquid.

6 Q Did there come a time that you finally left
7 that apartment?

8 A Yes.

9 Q When you left the apartment, who if anyone
10 left with you?

11 A With my sister and the tall one and the short
12 one and myself, we left together.

13 Q Did anyone else come into the apartment after
14 the short one came into the apartment that you saw?

15 A No.

16 Q The tall one that you described as leaving
17 when you left the apartment, that the same tall person
18 that you initially saw in the car when you were stopped?

19 A Yes.

20 Q And is that the same tall person that was in
21 the other room with you while you were in the apartment?

22 A Yes.

23 Q Could you describe for us how you left the
24 apartment with the tall man and the short man? Where
25 did you go?

1 Liu Yan Wu - People - Direct 469

2 A He said he was taking us somewhere to release
3 us, but I don't know where.

4 Q Who said that? The tall man or the short
5 man?

6 A The tall one.

7 Q And is this the same tall one that's been
8 with you since the car was stopped?

9 MR. SCHECHTER: Objection, your Honor.

10 THE COURT: Sustained as to the
11 form.

12 Q Is this the same tall man who was in the
13 other room with you?

14 MR. SCHECHTER: Objection; asked and
15 answered.

16 THE COURT: No, I think it's a
17 difficult question. Overruled.

18 MR. SCHECHTER: What room are we talking
19 about?

20 THE COURT: Pardon me?

21 MR. SCHECHTER: There are three
22 different rooms.

23 THE COURT: Do you want him to be more
24 specific? Be more specific.
25

1 Liu Yan Wu - People - Direct 470

2 Q Is this the same tall man that put his penis
3 in your vagina in the other room?

4 MR. SCHECHTER: Objection.

5 THE COURT: Can't get more specific than
6 that. That's what you wanted.

7 MR. SCHECHTER: It's been asked and
8 answered three times.

9 THE COURT: Overruled.

10 A Repeat it again.

11 Q The tall man that said to you we are going to
12 release you, is that the same man that was in the other
13 room with you putting his penis into your vagina?

14 MR. SCHECHTER: Objection.

15 THE COURT: Overruled.

16 A Yes.

17 Q After he said we are going to release you,
18 where if anyplace did you go next? When you left the
19 apartment, where did you go?

20 A I went into their car and they drove me off.

21 Q Okay. When they got into the car, who was in
22 the driver's seat? The tall man or the short man?

23 THE INTERPRETER: Can I have the
24 question again?

25 Q When you got into their car, who was in the

1 Liu Yan Wu - People - Direct 471

2 driver's seat? The tall man or the short man?

3 A The tall one drove.

4 Q And where were you located in the car? In
5 the front seat or the back seat?

6 A In the back.

7 Q And where was the shorter man?

8 A He was next to the driver.

9 Q Can you describe for us what happened after
10 the car drove off?

11 A After he drove off, all of a sudden there was
12 another car that came and blocked us.

13 Q Were you driving for a long time or a short
14 time before that car blocked you.

15 A Not very short, not very long.

16 Q And after this other car blocked your car you
17 were in --

18 A There were a lot of people came out of their
19 car and asked our car to stop.

20 Q Did these people have anything with them?

21 A They approached us and asked all of us to
22 come out of the car.

23 Q Did they have anything in their hands at that
24 point?

25 A I don't remember.

Liu Yan Wu - People - Direct 472

Q Did you get out of the car?

A Yes.

Q What happened to the person who was driving the car?

A The group of people took him away.

Q Did you later learn who these group of people were?

A I know.

Q Who did you later learn them to be?

A They were policemen.

Q When they first came to the car, did you know they were policemen?

A No, I didn't.

MR. KESSLER: Judge, can I approach with defense counsel for one moment?

THE COURT: Yes.

(Whereupon, a discussion was held off the record, at the side bar, among the Court, defense counsel and the assistant district attorney.)

THE COURT: The objection -- well, nothing has been offered. Strike it.

Q We were at the point in time where the police come and stop the car you're in. I think one of my last

1 Liu Yan Wu - People - Direct 473

2 questions was --

3 THE COURT: Last question was did she
4 finally find out they were police.

5 Q I don't recall the answer. Did you finally
6 find out they were the police who stopped the car?

7 A Yes.

8 Q When they first approached the car, did you
9 know that they were the police?

10 MR. SCHECHTER: Objection. I believe
11 it's been asked and answered.

12 THE COURT: I'll allow it. Overruled.

13 A No, I didn't.

14 Q After the police stopped the car that you
15 were in, what happened to the man who was driving that
16 car, the tall man?

17 MR. SCHECHTER: Objection. It's been
18 asked and answered.

19 THE COURT: That's been asked and
20 answered. Sustained.

21 Q Where if anyplace did you go?

22 A I went into the police car.

23 Q And do you recall seeing where if anyplace
24 the tall man and the short man went?

25 A The group of people took him away, took them

Liu Yan Wu - People - Direct 474

away.

Q When you say the group of people, are you referring to the police?

A Yes.

Q And were those the only two men you saw the police take away after the car was stopped?

A Yes.

Q The two men that they took away, were those the same two men that were in the apartment with you starting March 31st?

MR. SCHECHTER: Objection, your Honor.

That's been asked and answered.

THE COURT: Overruled.

A Yes.

Q After the police took away the two men that were with you in the apartment, where if anyplace did you go?

A After they took the two men away, we went back to the basement apartment.

Q Who went with you to the basement apartment?

A Myself, my sister-in-law and the policemen.

Q After you were at the basement apartment, where if anyplace was the next place that you went? Do you recall?

1 Liu Yan Wu - People - Direct 475

2 A Went to the police precinct.

3 Q And after the police precinct, do you know
4 where you went?

5 MR. SCHECHTER: Objection, your Honor.

6 THE COURT: Overruled.

7 A I went to the hospital.

8 Q Do you recall at the hospital were you seen
9 by a doctor?

10 A Yes.

11 Q Do you recall if it was a man or a woman
12 doctor?

13 A A male doctor.

14 Q What if anything did the male doctor do to
15 you while you were at the hospital?

16 A He took my panties. He wiped my vagina,

17 THE INTERPRETER: And there's something
18 else she said. I will repeat that.

19 A The doctor took my panties, he wiped my
20 vagina and he took some urine sample.

21 Q Do you recall what he wiped your vagina with?

22 A He used something that can preserve what he's
23 looking for.

24 MR. SCHECHTER: Objection.

25 THE COURT: Sustained.

1 Liu Yan Wu - People - Direct 476

2 Q Did he go inside your vagina or was it
3 outside the vagina with this object?

4 A Inside my vagina.

5 MR. KESSLER: Your Honor, I have the
6 certified medical records of Miss Liu Yan Wu.
7 They're certified by the keeper of the
8 records of New York Downtown Hospital. I
9 served a copy to defense counsel pursuant to
10 45.18. I ask they be introduced People's 2.

11 MR. SCHECHTER: I would object. Can I
12 have a side bar?

13 THE COURT: Yes.

14 (Whereupon, a discussion was held off
15 the record, at the side bar, among the Court,
16 defense counsel and the assistant district
17 attorney.)

18 THE COURT: You're objecting?

19 MR. SCHECHTER: Yes.

20 THE COURT: Overruled.

21 Mark it People's 2 in evidence.

22 (Whereupon, People's Exhibit 2 was
23 marked in evidence.)

24 THE COURT: Subject to redactions.

25 MR. KESSLER: Correct.

Liu Yan Wu - People - Direct 477

Q From the time the police took the tall man and the short man away, do you recall what date that was?

A I remember.

Q What date do you remember?

A April the 2nd.

Q From April 2nd, 1995, have you ever seen since that date either the tall man or the short man again?

MR. SCHECHTER: Objection, your Honor.

THE COURT: Overruled.

MR. SCHECHTER: Your Honor, can we have a side bar?

(Whereupon, a discussion was held off the record, at the side bar, among the Court, defense counsel and the assistant district attorney.)

MR. KESSLER: I'll withdraw the question. I have nothing further at this time.

MR. SCHECHTER: Can we come up?

(Whereupon, a discussion was held off the record, at the side bar, among the Court, defense counsel and the assistant district

1 Liu Yan Wu - People - Direct 478
2 attorney.)

3 THE COURT: We're going to take a short
4 recess. I have some other matters to take
5 care of. Don't discuss the case among
6 yourselves or with anyone else. Don't allow
7 anyone to discuss it in your presence. Take
8 the jurors.

9 (Whereupon, the jury left the
10 courtroom.)

11 THE CLERK: People versus Hai Guang
12 Zheng. Let the record reflect defendant his
13 present, defense attorney present, official
14 Mandarin interpreter and assistant district
15 attorney is also present outside the presence
16 of any sworn jurors at this time.

17 Any applications at this time?

18 MR. SCHECHTER: Yes. I wanted to put on
19 the record, your Honor, that I was objecting
20 to the introduction of the hospital record in
21 view of the fact that there's been no
22 testimony from this witness or anyone else
23 that that was the hospital that she went to.
24 For all we know, she could have gone to three
25 hospitals before.

1 Liu Yan Wu - People - Cross 479.

2 THE COURT: Do you have any evidence she
3 went to any other hospital, you can present
4 it. I'm sure it's the People's obligation
5 under Rosario to give you all the evidence in
6 this case. If they haven't given it to you,
7 it doesn't exist. If it does exist, it's at
8 their peril.

9 THE COURT: Bring the jurors.

10 (Whereupon, the jury entered the
11 courtroom.)

12 THE CLERK: Case on trial continued.
13 Let the record reflect presence of the
14 defendant, defense attorney, official
15 Mandarin interpreter, assistant district
16 attorney, all 12 jurors, alternates.

17 Waive reading?

18 MR. SCHECHTER: So waived.

19 MR. KESSLER: So waived.

20 THE CLERK: You were previously sworn
21 this morning and you're reminded at this time
22 that you're still under oath. Do you
23 understand that?

24 THE WITNESS: I do.

25 CROSS-EXAMINATION

Liu Yan Wu - People - Cross 480

BY MR. SCHECHTER:

Q Miss Wu, on March 31st of 1995, how long had you been in the United States?

A One week.

Q And where were you prior to coming to the United States?

A In China.

Q Now, you said that you came into New York by airplane and met your sister.

THE COURT: I don't think that was her testimony.

Q Met her sister-in-law.

A And also my mother-in-law.

Q And also who?

A My mother-in-law.

Q Was your mother-in-law with your sister-in-law when you got picked up?

A I have quite a few sister-in-laws. I don't know which one you meant.

Q Who met you at the airport on March 31st?

A My youngest sister-in-law.

Q What is her name?

A Jin Hao Liu.

Q Were any other members of your family or your

1 Liu Yan Wu - People - Cross 481

2 husband's family at the airport at that time?

3 A No.

4 Q Was anyone with your sister-in-law when you
5 got picked up?

6 A The driver of the limo.

7 Q Now, you got into the limo first and then you
8 were driving a while before something else happened?

9 A Yes.

10 Q Okay. Can you tell us approximately how long
11 you were driving before another car stopped your car.

12 A Not very long a drive, but I don't remember
13 how long.

14 Q Do you know whether -- when your car got
15 stopped, do you know what a highway is?

16 A I'm not sure.

17 Q Were you still in the airport when your car
18 was stopped, if you know?

19 A Seems like we had left the airport.

20 Q Were you on a highway? Were there -- were a
21 lot of cars going fast?

22 MR. KESSLER: Objection to the term
23 highway, Judge. She indicated she doesn't
24 know that term.

25 THE COURT: Sustained.

Liu Yan Wu - People - Cross 482

Q Were you on a road where a lot of cars were going fast?

A I don't remember that.

Q Can you tell us -- withdrawn. Was it dark out when you were in the car?

A Yes.

Q And when you got out of the car, were there any lights there?

A I don't remember these things.

Q Okay. Now, while you were in the limo and got out of the limo and got into the other car, were there other cars going passed you?

A How can I remember so much details?

Q Where in the cab or limo car were you seated?

A I was behind the driver.

Q In the back seat?

A In my car, I was in the front.

Q Withdrawn. You said someone got out of the other car and had a gun on you?

A Yes.

Q Where was that person standing when you said he had the gun on you?

A By the car window.

Q The driver's car window or the passenger's

Liu Yan Wu - People - Cross 483

car window.

A On the passenger side.

Q After you got out of the car -- well, can you describe the gun?

A No, I can't.

Q Can you describe the cover of the gun?

A No, I can't.

Q The person who had that gun pointed at you, did you see where he got into the second car?

A He sat next to the driver.

Q So he would have been the one in the passenger seat?

A Yes.

Q Now, you remember what color car you got into?

A Not very clear about the car.

Q Okay. Well, would it help refresh your recollection, do you remember testifying on July 17th before the grand jury?

THE COURT: Are you asking this to refresh the witness' recollection?

MR. SCHECHTER: Yes.

THE COURT: What was the answer?

MR. SCHECHTER: Does she remember

Liu Yan Wu - People - Cross 484

testifying?

THE INTERPRETER: Yes.

Q Do you remember being asked this question giving this answer page 5, line 16: Question, -- well, withdrawn, line 13.

"QUESTION: Did you leave your car and go to another car?

"ANSWER: Yes, we left our car."

A I remember.

Q Okay. You remember giving that answer?

A Yes, I remember I went to the next car.

THE COURT: No, no. That's not the question. Does she remember giving that answer to that question?

THE INTERPRETER: Yes.

Q The next question, what color car did you go into?

"ANSWER: White.

You remember being asked that question and giving that answer?

A I told them it looks like it's white.

Q Does that help refresh your recollection about what color car you got into on the evening have March 31st?

1 Liu Yan Wu - People - Cross 485

2 A I can just say that it looks like it. I'm
3 not sure.

4 Q Okay. Now, you said when you were in the
5 second car someone asked you where you were coming from?

6 A Yes.

7 Q Was that the driver of the car or the
8 passenger of the car?

9 A The one on the passenger side.

10 Q And did he have a gun at that time?

11 A They both had guns.

12 Q Now, when he was asking you the question, was
13 the car moving?

14 A Yes.

15 Q And you told him you came from Los Angeles.

16 A Yes.

17 Q And your husband told him you came from Los
18 Angeles?

19 A Yes.

20 Q And did you show him the documents, your
21 passports at that time?

22 A Yes, we did.

23 Q Did all the questions that were asked of you
24 while you were in that car asked by the passenger?

25 A The driver had asked questions also.

Liu Yan Wu - People - Cross 486

Q What questions did the driver ask?

A The same question where are we coming from
and where are we going.

Q At any time were you ever asked about money
while in the car?

A No.

Q Can you approximate how long you were driving
before your husband was let out of the car?

A I don't remember.

Q Was your husband given anything when he left
the car?

A Yes.

Q What was he given?

A He gave him quarter.

Q Was he given anything else?

A And a piece of paper.

Q Did you see what was on that paper?

A It's a telephoning number.

Q Now, had you ever seen either of those two
men before?

A No.

Q Now, there came a time you went into a
basement apartment, am I correct?

A Yes.

1 Liu Yan Wu - People - Cross 487

2 Q Now, you stated that prior to one of the men
3 leaving and a third person coming you were once again
4 asked to see your document?

5 A Yes.

6 Q And were you asked that by the person who had
7 been in the passenger seat of the car?

8 A I don't remember if it's the driver or the
9 passenger side.

10 Q Were you ever asked about money at that time?

11 A We were very scared. We asked them if they
12 wanted money.

13 Q Excuse me?

14 A We were very scared. We asked them if they
15 wanted money.

16 Q And what was the answer?

17 A They said yes.

18 Q Do you remember who said that?

19 THE COURT: Who said what?

20 MR. SCHECHTER: Who said yes wanting
21 money.

22 A It was one of the two of them.

23 Q Now, the person who left the apartment, did
24 he leave before or after the third person arrived?

25 A The third person came in. Then the second

1 Liu Yan Wu - People - Cross 488

2 person went out.

3 Q Now, the person who left, was that the
4 passenger of the car or the driver of the car?

5 A The passenger side one.

6 Q Did you see what he did with the gun that he
7 had?

8 A The passenger one you mean?

9 Q Yes.

10 A I know he left, but I don't know if he had
11 the gun on him.

12 Q Well, do you remember being asked these
13 questions and giving these answers to help you refresh
14 your recollection about what happened to that gun on
15 July 17th when you testified in the grand jury? Page 7,
16 line 23.

17 "QUESTION: Were the two men that were with
18 you in the car with you in the basement both of them?

19 "ANSWER: Soon after the two guys took us
20 into the basement, another one arrived."

21 Do you remember being asked that question and
22 giving that answer?

23 A Yes.

24 Q "QUESTION: What happened when he arrived?

25 "ANSWER: After the third person arrived, the

1 Liu Yan Wu - People - Cross 489

2 original two people, one of the two took out his gun,
3 loaded the bullets and unloaded the bullets out of the
4 gun and give the gun to the third person and he himself
5 took a shower and then he left.

6 Do you remember being asked that question and
7 giving that answer?

8 THE INTERPRETER: Can you make that --

9 THE COURT: Break it down.

10 THE INTERPRETER: Break it down.

11 MR. SCHECHTER: Your Honor, do you have
12 any objection if I give the translator this
13 so she can read it directly?

14 THE COURT: Unless Mr. Kessler.

15 MR. KESSLER: No. I think that's the
16 proper way to do it rather than out loud.
17 Have the interpreter read it to the witness
18 and see if it refreshes her recollection.

19 MR. SCHECHTER: Line 3.

20 THE COURT: Do you have an objection,
21 Mr. Schechter, if he does it that way?

22 MR. SCHECHTER: She can just read it in
23 Chinese.

24 THE COURT: I have to get it on the
25 record.

Liu Yan Wu - People - Cross 490

MR. SCHECHTER: I have no objection if she just read it in Chinese to the witness.

THE INTERPRETER: Which one?

Q Line 3.

THE INTERPRETER: Line 3.

THE COURT: Let the record show that the translator has reading the grand jury minutes to the witness.

A Yes.

Q Remember being asked that question and giving that answer?

A Are you asking -- you're asking me about the grand jury minutes?

Q Right. Do you remember being asked that question in the grand jury and giving that answer?

A On July 17th I remember more. Right now I forgot a lot of things.

MR. SCHECHTER: Okay. Well, now, Mr. Kessler, will you stipulate that that's what the question was asked and the answer given?

MR. KESSLER: Yes.

Q Now, after reading that or having that read to you, does that help you remember what happened to the gun that the passenger in the car had?

1 Liu Yan Wu - People - Cross 491

2 A I remember the gun was given to the third
3 person.

4 Q Okay. Thank you. During the time that you
5 were in the apartment, did you have anything to eat?

6 A Yes.

7 Q How many different times did you have food?

8 A How can I remember so much?

9 Q If you don't remember, just say you don't
10 remember?

11 A Okay.

12 Q Okay. You don't remember?

13 A I don't remember.

14 Q Now, can you tell the members of the jury how
15 long you were in the basement apartment?

16 A They took us in the evening, they took us
17 into the apartment that night. The morning and into the
18 night again.

19 Q Now, while you were in the apartment, did
20 either one of the two people after -- well, withdrawn.

21 After one of the gentlemen left, you said there
22 were still two people in the apartment?

23 A Yes.

24 Q From that time, did any of the two men ever
25 leave the apartment?

Liu Yan Wu - People - Cross 492

A You mean when we were in the apartment until we left the apartment?

Q Yes.

A One person left.

Q Do you remember when he left? Was it in the morning, afternoon, evening, first evening?

A In the morning he left once. In the evening he went out again and later in the night he went out again.

Q Now, was that -- you described the two people in the apartment as one taller, one shorter?

A Yes.

Q Did the same person leave all three times?

A Yes, same person.

Q Was that the tall one or the shorter one?

A The tall one.

Q And do you know for how long he went out the first time?

A I don't remember.

Q The second time?

A Don't remember.

Q Third time?

A Everytime he went out, it wasn't a long time.

Q Now, you said that there were phones in the

Liu Yan Wu - People - Cross 493

apartment?

A Yes.

Q Did they receive any calls into the apartment?

A Are you talking about the day did they receive any calls? Are you saying that they received any calls.

Q Yes, did they receive any calls?

A Yes.

Q And could you tell the members of the jury did they receive a lot of phone calls?

A Yes. And they called out a lot of calls too.

Q At any time with the three different men that there were two in the car and then the third gentleman came to the basement, did you have hear any names used between the men?

A No.

Q You said there came a time that you went into a -- well, withdrawn. The first room that you were in that first evening, how many beds were in that room?

A Two beds.

Q You said there came a time you went into a second bedroom?

A Yes.

Liu Yan Wu - People - Cross 494

1 Q Were there any beds in that bedroom?

2 A No.

3 Q Now, when you were in the second bedroom, you
4 said the taller man that you were fighting with the
5 taller man, am I correct?
6

7 A Yes.

8 Q Did he ever hit you?

9 A No.

10 Q Did he ever kick you?

11 A You mean with his foot?

12 Q Yes.

13 A No.

14 Q You said you were resisting him?

15 A Yes.

16 Q While you were resisting him, is that when he
17 pointed the gun at you?

18 A When I resist him that time, he pointed the
19 gun at me.

20 Q And then was he continued -- did he continue
21 to point the gun at you?

22 A Yes.

23 Q And you still continued to resist?

24 A Yes.

25 Q And were you afraid?

1 Liu Yan Wu - People - Cross 495

2 A Yes.

3 Q Isn't it correct that he was only able that
4 -- withdrawn.

5 Isn't it correct you said that you didn't remember
6 -- withdrawn.

7 Because of your struggling, isn't it correct that
8 he ejaculated out of your vagina, not in your vagina?

9 A I don't remember very well.

10 Q Well, do you remember being asked this
11 question on July 17th and giving this answer when
12 describing the incident with the taller man in the
13 second bedroom? Page 14, line 25 or line 23. Excuse
14 me.

15 "QUESTION: What happened after part of his
16 penis went into your vagina?

17 "ANSWER: As a result of my struggles, he
18 could not put the whole penis in my vagina. I feel he's
19 trying to ejaculate out of my vagina."

20 Remember being asked that question and giving that
21 answer?

22 A I kept resisting.

23 THE COURT: The question is does she
24 remember giving that answer to that question?

25 A He ejaculated near my vagina.

1 Liu Yan Wu - People - Cross 496

2 Q Near. Well, the question was do you remember
3 being asked that question and giving that answer.

4 A Right now I don't remember.

5 MR. SCHECHTER: Am I correct --
6 well, Mr. Kessler will you stipulate
7 that's what the grand jury minutes say?

8 MR. KESSLER: Sure.

9 Q Am I correct in saying your memory was better
10 on July 17th what happened than today?

11 A Yes.

12 Q You said there came a time -- when did you
13 give a phone number to the two men or did your
14 sister-in-law give the phone number?

15 A My sister-in-law gave it to them.

16 Q Earlier when you said the first time you were
17 in the basement before the passenger left, you had asked
18 them if they wanted money. Was any amount of money
19 discussed?

20 A You mean the three persons one of them asked
21 me that?

22 Q Well, you said when you got into the basement
23 apartment you were asked for your documents and you
24 asked them if they wanted money?

25 A Yes.

Liu Yan Wu - People - Cross 497

Q Was any amount of money discussed that they wanted?

A Yes.

Q How much?

A They want \$30,000.

Q And you don't remember who said that?

MR. KESSLER: Objection. Asked and answered.

THE COURT: Overruled. I'll allow it. It's cross-examination.

A Out of the three, I don't know which one.

Q Okay. You said you ate some food also and some liquid. When was that?

A You mean when we had the food?

Q Yes.

A I don't remember.

Q You said the taller one. While you were in the room with the taller one, he had a gun. Can you describe the gun?

A All I know it was a short one.

Q While you were in the apartment, did you see any other guns?

A By the persons had guns.

Q When you left the apartment, were the two

1 Liu Yan Wu - People - Cross 498

2 guns still in the apartment if you know?

3 MR. KESSLER: Objection.

4 THE COURT: If she knows overruled.

5 A I don't know.

6 Q When you left the apartment, did you see
7 either of the two men take any guns with them?

8 A I don't know.

9 Q But you said that they told you that you were
10 going to be released when they -- when you left the
11 apartment?

12 A Yes.

13 Q Now, after you said you went back to the
14 apartment with the police?

15 A Yes.

16 Q Did you go into the apartment?

17 A No.

18 Q Did you have any conversation -- withdrawn.
19 Was there anyone there with the police who spoke
20 Chinese?

21 A No Chinese spoken.

22 Q What dialect of Chinese do you speak?

23 A The police that were there.

24 THE COURT: No, no that's not the
25 question.

Liu Yan Wu - People - Cross 499

THE INTERPRETER: That's what she said.

THE COURT: Listen to the question.

THE INTERPRETER: She
misunderstood.

Q What dialect of Chinese do you speak?

A I spoke Cantonese.

Q When you were -- when you were back at the
apartment at the basement apartment, did you have any
conversations with any of the policemen at that time?

A You mean talking to the police?

Q Yeah?

A You mean at the car?

Q When you were by the basement apartment with
the police?

A Yes.

Q When prior to the time you boarded the
airplane to go to Los Angeles -- to go to New York with
your husband did you last have sexual relations with
your husband?

THE INTERPRETER: Could I have that
question again? Could I have that question
again?

THE COURT: Well, let the Court
Reporter.

1 Liu Yan Wu - People - Cross 500

2 (Whereupon, the Court Reporter read back
3 the requested portion.)

4 A Yes, I did.

5 Q When was the last time before you got on the
6 airplane?

7 A You mean before?

8 Q Yes.

9 A How do I remember so accurate?

10 Q Well, would it refresh your recollection that
11 when you were speaking to the doctor that you told him

12 --

13 THE COURT: Wait a minute. Step up.

14 (Whereupon, a discussion was held off
15 the record, at the side bar, among the Court,
16 defense counsel and the assistant district
17 attorney.)

18 Q When you were at the hospital, did the doctor
19 ask you when the last time you had sexual relations with
20 your husband?

21 A Ask me when?

22 Q Yes.

23 A 29th evening.

24 THE COURT: No. That's not the
25 question. The question is did the doctor at

1 Liu Yan Wu - People - Cross 501

2 the hospital ask you when the last time you
3 had sex with your husband?

4 THE WITNESS: The 29th evening.

5 THE COURT: No. It's either a yes or no
6 answer or will you accept that answer?

7 MR. SCHECHTER: I don't know what the
8 answer --

9 THE COURT: She said night of the 29th.

10 MR. SCHECHTER: I'll accept that as an
11 answer.

12 Q That's March 29th?

13 A Yes.

14 THE COURT: All right.

15 MR. SCHECHTER: May I just have one
16 moment?

17 THE COURT: Yes.

18 Q When you were in the bedroom with the taller
19 man, did you see if he had any bruises or marks on his
20 lower area in his genital area?

21 A No.

22 Q No he did not have any or you did not see?

23 A How would I notice things like that?

24 MR. SCHECHTER: One moment.

25 (Pause.)

1 Jin Zho Liu - People - Direct 502

2 MR. SCHECHTER: I have no further
3 questions, your Honor.

4 THE COURT: Nothing?

5 MR. KESSLER: No.

6 THE COURT: Okay. You can step down.
7 Call your next witness.

8 MR. KESSLER: People call Jin Zho Liu.
9 Actually, Judge, could I have just one
10 moment?

11 (Pause.)

12 THE INTERPRETER: Can I tell her that
13 I'm interpreting for her?

14 J I N Z H O L I U, a witness called on behalf of the
15 People, after having been first duly sworn by the Clerk
16 of the Court, was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. KESSLER:

19 Q Miss Liu, can you tell us how old you are?

20 A 26 years old.

21 Q And what do you do for a living?

22 A I work in garment factory.

23 Q How long have you done that?

24 A I've worked there for six years.

25 Q Do you recall the date of March 31st, 1995?

1 Jin Zho Liu - People - Direct 503

2 A I remember.

3 Q Could you tell us what the plans were for
4 March 31st, 1995?

5 A To go to the airport to meet my brother and
6 my sister-in-law.

7 Q Were you to go to the airport?

8 A No.

9 Q Who went to the airport?

10 A My younger sister.

11 Q What's her name?

12 A Law Com Ho (phonetic).

13 Q What's your brother his name?

14 A Liu Juo Pang.

15 Q Now, did there come a time that your brother
16 returned to your home?

17 A I mean that day.

18 Q Yeah, did he ever come back by himself to
19 your home? Yes or no?

20 MR. SCHECHTER: Objection, your Honor.

21 There's been no testimony he was ever at the
22 home.

23 THE COURT: No. Sustained as to the
24 form of the question. Rephrase the question.

25 Q Did you ever see your brother that day? Yes

Jin Zho Liu - People - Direct 504

or no?

A Yes.

Q Did he come back by himself or was he with anyone when he initially came home?

A He came back with another person.

Q Did you have a conversation with your brother at that time without telling us what was said?

A Yes.

Q The other person that was with him, do you know what that person did for a living?

A He does car service.

Q When your brother came back, did he have anything with him?

A No.

Q When your brother came back, where was the next place that you went?

A I went with my brother to the precinct.

Q Before going to the precinct, did you make any phone calls?

A Yes.

Q Could you tell me where did you get the numbers that you called?

A The call, the phone number was to call car service.

1 Jin Zho Liu - People - Direct 505

2 MR. SCHECHTER: Objection.

3 THE COURT: Sustained. Sustained.

4 Q The question is where did she get the
5 telephone numbers that she made the calls to?

6 A I got it from the newspaper.

7 Q Do you remember who you called?

8 MR. SCHECHTER: Objection.

9 THE COURT: Overruled. Just yes or no.

10 A Yes.

11 Q Who did you call?

12 MR. SCHECHTER: Your Honor, can we have
13 a side bar?

14 THE COURT: Yes.

15 (Whereupon, a discussion was held off
16 the record, at the side bar, among the Court,
17 defense counsel and the assistant district
18 attorney.)

19 THE COURT: Let the record show we had a
20 side bar and I indicated that because of the
21 language difficulty, I'm giving the district
22 attorney some leeway in asking these
23 questions with a limit.

24 MR. SCHECHTER: Subject to striking,
25 your Honor, if it's not relevant.

1 Jin Zho Liu - People - Direct 506

2 THE COURT: Absolutely.

3 MR. SCHECHTER: Thank you.

4 Q The number that you called that you got from
5 the newspaper?

6 A Yes.

7 Q What was the number -- who were you calling
8 and why were you calling that number?

9 MR. SCHECHTER: Objection to why.

10 THE COURT: Sustained. Who did you
11 call?

12 A I went to -- I called the taxi company.

13 Q Is that the same taxi company?

14 MR. SCHECHTER: Objection to the
15 leading.

16 THE COURT: I'm going to allow it.

17 Q Is that the same taxi company that you used
18 to pick up your brother?

19 A Yes.

20 Q Did you make any other phone calls after you
21 saw your brother?

22 A No.

23 Q Did your brother give you any phone numbers
24 to call?

25 MR. SCHECHTER: Objection to the

1 Jin Zho Liu - People - Direct 507
2 leading.

3 THE COURT: Overruled. I'll allow it.

4 A You mean before we went to the precinct?

5 Q Either before or after.

6 A Yes.

7 Q Was that before or after?

8 A After.

9 Q Did you call those numbers that he gave you
10 after you went to the police?

11 A Yes.

12 Q Would you tell us about what happened as you
13 called those -- strike that.

14 Did you call each and everyone of the numbers?

15 THE COURT: How many numbers are we
16 talking about?

17 Q How many numbers were there?

18 A Four numbers.

19 Q Did you call all four?

20 A Yes.

21 Q Can you tell us what were the numbers for?
22 Did you speak to anyone?

23 MR. SCHECHTER: Objection, your Honor
24 can we have --

25 THE COURT: Step up.

1 Jin Zho Liu - People - Direct 508

2 (Whereupon, a discussion was held off
3 the record, at the side bar, among the Court,
4 defense counsel and the assistant district
5 attorney.)

6 Q Did anything result after you called each of
7 these four numbers?

8 A Third of them was wrong number. Three --

9 MR. SCHECHTER: I'm going to object.

10 THE COURT: Sustained. It's capable of
11 a yes or no answer. The question is being
12 asked to elicit a yes or no answer.

13 Q The question is -- the question is when you
14 add up all the four numbers you called, did anything
15 result -- did anything happen as a result of you calling
16 all four of those numbers? Yes or no?

17 A No.

18 Q Did there come a point in time that your
19 phone began ringing?

20 A Yes.

21 Q The time that your phone began ringing, was
22 there anyone else in your home at that point in time?

23 A Yes.

24 Q Who was in your home?

25 A People in my family and the police.

1 Jin Zho Liu - People - Direct 509

2 Q The phone calls that you started receiving,
3 could you tell us in sum and substance what they were
4 about?

5 MR. SCHECHTER: Objection.

6 THE COURT: Overruled.

7 A The phone conversations about wanting money
8 from us and they said they picked up the wrong two
9 persons.

10 Q Continue. What else happened in sum and
11 substance during those phone conversations?

12 A They said they wanted money.

13 Q Did they say how much money?

14 A In the beginning they want \$20,000 each.

15 Q Did you have any instructions at that point
16 in time?

17 A Not yet.

18 Q After they asked for \$20,000, did you ever
19 receive another phone call?

20 A Yes.

21 Q Tell us what happened initially after they
22 asked for the \$20,000 during your phone conversations?

23 A I asked them can they lower the money.

24 MR. SCHECHTER: Your Honor, can we have
25 a side bar?

1 Jin Zho Liu - People - Direct 510

2 THE COURT: Yes.

3 (Whereupon, a discussion was held off
4 the record, at the side bar, among the Court,
5 defense counsel and the assistant district
6 attorney.)

7 THE COURT: The objection is overruled.

8 MR. SCHECHTER: Your Honor, I'll be able
9 to make a record afterwards?

10 THE COURT: Yes.

11 Q I think I was at the point where you had
12 indicated that the initial amount was 20,000 and that
13 you had further conversations with them after the 20,000
14 amount. Can you tell us what else you heard in sum and
15 substance after they initially asked for 20,000?

16 THE COURT: You say "they." You mean
17 the person on the other end of the phone?

18 Q The person on the other end of the phone.

19 A They asked me not to report to the police.

20 Q What else happened during these
21 conversations?

22 A The phone conversation said, "Don't be smart.
23 If you don't obey us, we could sell you or we could kill
24 you."

25 Q Do you recall anything else that was said by

1 Jin Zho Liu - People - Direct 511
2 the person on the other end of the phone during these
3 conversations?

4 A I don't remember more.

5 Q I'm sorry?

6 A I don't remember anymore.

7 Q Did there come a time after that conversation
8 that there was additional conversation you had with the
9 person on the other end of the phone about another
10 amount of money?

11 A Yes.

12 Q Can you tell us about the next amount of
13 money you spoke about and what occurred during that
14 conversation?

15 A He said now \$15,000 for the both of them.

16 Q Were you given any other instructions other
17 than the \$15,000?

18 A Yes.

19 Q Can you tell us what they were?

20 A He told me to put the money into a tea can,
21 buy some vegetable, buy some fish and buy some chicken,
22 put it in a bag. Don't make the bag too neat. Make it
23 a little sloppy.

24 Q What were you supposed to do with the bag?

25 A He told me to take the bag to give it to

1 Jin Zho Liu - People - Direct 512

2 another person.

3 Q Did he give you an address to give it to the
4 other person?

5 A Yes.

6 Q What was the address?

7 A 217 Henry Street.

8 Q After that conversation, did you ever get the
9 money together?

10 A Yes.

11 Q And where did you get the money from?

12 A We had it from friends and relatives.

13 Q How much money did you get together?

14 A \$15,000.

15 Q Once you had the \$15,000 together, what did
16 you do with it?

17 A He told me to go to a specific address.

18 Q And did you go to that address?

19 A Yes.

20 Q And did you have the \$15,000 with you?

21 A Yes.

22 Q What about the tea can? Did you have that as
23 well?

24 A Yes.

25 Q Where was the money.

1 Jin Zho Liu - People - Direct 513

2 A It was in the tea can.

3 Q And did there come a time that you went to
4 217 Henry Street with the money in the tea can?

5 A Yes.

6 Q And what did you do with the tea can and the
7 money once you got to 217 Henry Street?

8 A I put it in a bag.

9 Q And then what did you do with it?

10 A I gave it to the person that he told me to
11 give it to.

12 Q When you say he told you to give it to, what
13 did the person say and what did you say to the person?

14 MR. SCHECHTER: Objection, your Honor.

15 THE COURT: Step up.

16 (Whereupon, a discussion was held off
17 the record, at the side bar, among the Court,
18 defense counsel and the assistant district
19 attorney.)

20 THE COURT: All right. Would you make
21 it clear for the record? Two conversations
22 you're talking about?

23 Q When you got to 217 Henry Street and you
24 turned the bag over to this person, what did you say to
25 that person?

1 Jin Zho Liu - People - Direct 514

2 A I asked him did someone tell you to come to
3 meet us.

4 Q What did he say?

5 A He said yes.

6 Q Did you give him the bag at that point?

7 A Yes.

8 Q To your knowledge, was there any police
9 around you at the time you delivered the bag?

10 MR. SCHECHTER: Objection.

11 THE COURT: Overruled.

12 A I don't know.

13 Q Were the police in your apartment when you
14 were getting the \$15,000 together?

15 A Yes.

16 Q Did you ever get the \$15,000 back after you
17 had delivered it to that person?

18 MR. SCHECHTER: Objection.

19 THE COURT: Overruled.

20 A After I found my sister, we had it back.

21 MR. KESSLER: I have nothing further.

22 THE COURT: Cross-examination.

23 MR. SCHECHTER: Your Honor, can we -- it
24 is now almost a quarter to 1. I'm going to
25 ask for some time.

1 Jin Zho Liu - People - Direct 515

2 THE COURT: I'll give you five minutes
3 and then we'll start the cross-examination.
4 I want to move this along, please.

5 MR. SCHECHTER: Can I have a side bar?

6 THE COURT: Yes.

7 (Whereupon, a discussion was held off
8 the record, at the side bar, among the Court,
9 defense counsel and the assistant district
10 attorney.)

11 THE COURT: We'll recess now for lunch.
12 Don't discuss the case among yourselves or
13 with anyone else. Don't let anyone discuss
14 it with you. Report back to where the Court
15 Officer tells you at 2 o'clock. Have a nice
16 lunch. Don't come to the courtroom.

17 (Whereupon, the jury left the
18 courtroom.)

19 THE COURT: The jurors have left the
20 courtroom. The witness is excused until 2
21 o'clock. Don't talk to anybody about this
22 case. 2 o'clock.

23 All right. You want to place some
24 things on the record, go ahead.

25 MR. SCHECHTER: Okay, your Honor. I

1 Jin Zho Liu - People - Direct 516

2 objected to this witness testifying to any
3 phone conversations she had with unknown
4 parties concerning demands for money.

5 There's been nothing linking my client to
6 those phone calls or as such, that he was
7 part and parcel of those phone calls.

8 There's been nothing introduced up to this
9 day that would show she should be able to
10 testify as to what these other people told
11 her.

12 My client also not charged with
13 conspiracy to commit any crime which would
14 allow hearsay to come in. As such, I would
15 move to strike her entire direct testimony.

16 THE COURT: You want to be heard?

17 MR. KESSLER: Briefly, Judge. The
18 witness' connection to the ransom demands
19 comes from a number of sources. One: The
20 phone call number being given to the kidnaper
21 by the women. Two: The fact that the women
22 initially were asked for an amount of money.
23 Also, the kidnaping demands themselves for
24 money his res gesti because that was one of
25 the charges on my indictment where I have to

1 Jin Zho Liu - People - Direct 517

2 prove that it was for ransom which is one of
3 the elements of the crime that it was for a
4 monetary amount, so these phone calls are the
5 res gesti itself of this ransom demand.

6 Also, there were occasions that the taller
7 one was the person making all the phone calls
8 and one of the witnesses identified the
9 defendant as being the person who was on the
10 phone making the phone calls. So with regard
11 to connecting them to this case, every single
12 connection that could possibly be made that
13 he's the individual or they were the
14 individuals calling for the ransom of these
15 two women.

16 THE COURT: Objection overruled.

17 MR. SCHECHTER: Respectfully except.

18 THE COURT: Of course. Anything else?

19 MR. SCHECHTER: No.

20 THE COURT: You mentioned something
21 about evidence?

22 MR. SCHECHTER: Well, your Honor --

23 THE COURT: To cross-examine this
24 witness?

25 MR. SCHECHTER: At the beginning of the

1 Jin Zho Liu - People - Direct 518
2 trial, Mr. Kessler turned over to me what he
3 said was all the Rosario material except for
4 the one possible. I have not received any
5 vouchers or copies of any money or
6 photocopies of any money and I would not have
7 the -- I obviously will not have an
8 opportunity to view any money because from
9 this testimony was returned to this lady,
10 your Honor.

11 As such, I believe that my client has
12 been prejudiced by the return of any money
13 and I believe sanctions should be imposed
14 against the district attorney for turning
15 over money back to a witness in a kidnaping
16 where an alleged ransom was paid where it was
17 not done I assume by Court order.

18 MR. KESSLER: Actually we saved \$100,
19 but if he wants to see that, it's also part
20 of the voucher material and the photocopy of
21 the money was done by the police department
22 so that the family could have the money to
23 give back. The money is merely a piece of
24 paper. We just transferred it to another
25 piece of paper, but I have a copy of the

1 Jin Zho Liu - People - Direct 519
2 hundred dollars saved and initialed by the
3 detective and I also have a copy of all the
4 photostated 15,000 as well as the tea can and
5 the bag it was in. They're all up --

6 THE COURT: He says he never got any
7 vouchers.

8 MR. KESSLER: It's actually on a
9 voucher. Hard to see. It's a double
10 voucher.

11 THE COURT: Before 2 o'clock both of you
12 get together and straighten it out.

13 L U N C H E O N R E C E S S .

14 AFTERNOON SESSION.

15 THE COURT: THE CLERK: Case on trial
16 continued, 3282 of '95, People versus Hai
17 Guang Zheng. Let the record reflect the
18 presence of defendant, defense attorney,
19 official Mandarin interpreter and assistant
20 district attorney outside the presence of the
21 sworn jurors.

22 Any applications before the jurors are
23 brought?

24 MR. KESSLER: No.

25 (Whereupon, the jury entered the

1 Jin Zho Liu - People - Cross 520
2 courtroom.)

3 THE CLERK: Case on trial continued.
4 Let the record reflect the presence of the
5 defendant, defense attorney, interpreter,
6 assistant district attorney, 12 regular, four
7 alternate jurors.

8 Waive reading of the roll?

9 MR. KESSLER: So waived.

10 MR. SCHECHTER: So waived.

11 THE COURT: Good afternoon, ladies and
12 gentlemen. We'll continue. You may
13 cross-examine.

14 You were previously sworn this morning
15 and you're reminded at this time you're still
16 under oath. Do you understand that?

17 CROSS-EXAMINATION

18 BY MR. SCHECHTER:

19 Q Miss Liu, are you a United States citizen?

20 A Yes.

21 Q Were you born in the United States?

22 A No,

23 Q How long have you lived in the United States?

24 A Seven years.

25 Q And how many years have you lived in New

1 Jin Zho Liu - People - Cross 521

2 York?

3 A Seven years.

4 Q Now, on March 31st, were you the person who
5 called the car service to take your younger sister to
6 the airport?

7 A I don't remember.

8 Q Remember what day of the week March 31st was?

9 A I don't remember very well.

10 Q Do you remember if you worked that day?

11 A Yes.

12 Q Did you work that day?

13 A Yes.

14 Q What time you got -- what time did you get
15 home that evening?

16 A Around 8 o'clock.

17 Q In the evening?

18 A Yes.

19 Q Was your younger sister home at that time?

20 A No.

21 Q Do you know if she had -- withdrawn.

22 After you got home at 8 p.m. on March 31st, did you
23 see your sister any time after that on March 31st, your
24 younger sister?

25 A You mean around 8 o'clock?

1 Jin Zho Liu - People - Cross 522

2 Q From 8 o'clock -- when was the last time you
3 saw your sister prior to your coming home?

4 A In the morning.

5 Q After you got home, did you see her again
6 that particular day?

7 A No.

8 Q What time did your brother come -- do you
9 remember what day was it that your brother came to your
10 apartment?

11 THE INTERPRETER: Could I have the
12 question again?

13 Q Did your brother come -- I'll withdraw.
14 Did your brother come to your apartment on that
15 day, March 31st?

16 A He was supposed to come to my home.

17 Q Did he come to your home?

18 A I don't quite remember, but I know that day
19 he came in very late.

20 Q Would it have been after midnight?

21 A I'm not quite sure.

22 Q When for the first time -- do you know what
23 time you received a telephone call from anyone who was
24 talking about your sister and sister-in-law?

25 A I don't quite remember.

1 Jin Zho Liu - People - Cross 523

2 Q The first phone call you received, was that
3 on March 31st or April 1st, if you know?

4 A The next day.

5 Q That would have been April 1st?

6 A Yes.

7 Q Do you remember if that first phone call was
8 in the morning, afternoon or evening?

9 A In the afternoon.

10 Q Could you approximate what time in the
11 afternoon that first phone call came?

12 A 12:35.

13 Q And at that time you were asked for money --
14 were you asked for money?

15 MR. SCHECHTER: Your Honor, the question
16 would call for a yes or no answer.

17 THE COURT: Please. It's a yes or no
18 answer.

19 A Yes.

20 Q How much money was asked for?

21 A They want \$20,000 each.

22 Q During that conversation, did the amount of
23 money that you were asked for, was it reduced?

24 A Not yet.

25 Q How many phone calls from the first phone

1 Jin Zho Liu - People - Cross 524

2 call to the last phone call did you get from those
3 people?

4 A I don't remember quite well.

5 Q Could you approximate how many phone calls?

6 A Quite a few.

7 Q Can you tell us how long the first phone call
8 was?

9 A Very short phone call.

10 Q How long was it till you received the second
11 phone call?

12 A I don't remember very well.

13 Q Now, you said that in one of the other phone
14 calls -- withdrawn.

15 What language was the person or people who were
16 making the phone call speaking?

17 A They were speaking Mandarin.

18 Q That is a dialect of Chinese?

19 A Yes.

20 Q When did they then tell you that it was --
21 how long after that first phone call was it that they
22 told you there'd be \$15,000 for two people.

23 A It was quite a few calls afterwards.

24 Q Can you approximate from 12:30 when you said
25 the first call was approximately what time that call

1 Jin Zho Liu - People - Cross 525

2 was?

3 A I don't remember quite well.

4 Q Would it have been a few days later or a few
5 hours later?

6 A I don't remember well.

7 Q Well, you said the first phone call was on
8 April 1st at 12:30 in the afternoon. What time did you
9 leave your apartment to go to Henry Street, if you know?

10 A I don't remember very well, but it's between
11 April the 1st and April the 4th, in between those few
12 days.

13 Q It was on April 4th that you then went to
14 Henry Street?

15 MR. KESSLER: Objection.

16 THE COURT: Sustained. That's not what
17 she said.

18 Q Do you remember what day you went to Henry
19 Street?

20 A April 1st.

21 Q Do you remember what time you left your house
22 to go to Henry Street on April 1st?

23 A In the evening around 10 P.M.

24 Q So then the phone call that you received
25 where they then asked for less money would have been

1 Jin Zho Liu - People - Cross 526
2 between 12:30 and 10 o'clock?

3 MR. KESSLER: Objection.

4 THE COURT: Sorry?

5 MR. KESSLER: Judge, I object to the
6 question. It seems to be more of a
7 Statement than a
8 question to the witness.

9 THE COURT: Sustained as to form.

10 Q At 10 o'clock you left to go to Henry Street,
11 am I correct?

12 A Yes.

13 Q So would it have been prior to that time that
14 you got the phone call asking you for \$7,500 apiece?

15 A Around 10 o'clock that time the money had
16 been reduced to 7,500 each.

17 Q And what time -- let me withdraw it.

18 After the person told you that they wanted \$7,500
19 apiece, is that when they told you what location to go
20 to or were there other phone calls afterwards?

21 THE INTERPRETER: Did you say 750? Did
22 you say 750?

23 MR. SCHECHTER: 7,500.

24 THE INTERPRETER: May I have the
25 question again?

1 Jin Zho Liu - People - Cross 527

2 MR. SCHECHTER: Can the Court Reporter
3 read it back?

4 THE COURT: Read it back.

5 (Whereupon, the Court Reporter read back
6 the requested portion.)

7 A Not yet.

8 Q How many phone calls were there after they
9 reduced the amount until you got a place to go?

10 A I don't remember very well, but it's in the
11 evening.

12 Q Now, you said they originally were at \$20,000
13 apiece. Did they -- I believe you also said they then
14 reduced it to \$10,000 apiece and then to \$7,500 apiece?

15 A First they wanted 20,000 and than they wanted
16 15,000.

17 Q Now, when they originally said they wanted
18 \$40,000 and then they reduced it, did the person who you
19 were speaking to seem angry or upset?

20 A He said I want \$15,000.

21 Q Was he upset when you told him that you
22 couldn't raise the original amount?

23 A I don't remember.

24 Q Now, you were -- well, let me ask you this.
25 Did you always speak to one person when they called or

1 Jin Zho Liu - People - Cross 528

2 did you speak to different people, if you know?

3 A What phone calls?

4 Q From all the phone calls?

5 A One, one person.

6 Q And can you tell the members of the jury what
7 the tone of his voice was during these phone calls?

8 A He was speaking in a man's voice and was
9 speaking Mandarin.

10 Q Do you remember what time you got the money
11 together?

12 A I don't remember the exact time, but I know
13 it's in the evening.

14 Q Prior to going to Henry Street, did you go
15 anyplace else with the money?

16 A No.

17 Q Was the money always in your apartment after
18 you got it?

19 A Yes.

20 Q Did you ever give the money to the police
21 officers?

22 MR. KESSLER: Objection.

23 THE COURT: Is that relevant?

24 MR. SCHECHTER: Could be.

25 THE COURT: Could be? Well, is it?

Jin Zho Liu - People - Cross 529

MR. SCHECHTER: Yes.

THE COURT: All right. Then I'll allow it. Overruled.

A You mean give the money -- no.

Q Now, when you were speaking on your phone on April 1st, where those phone calls, if you know, being recorded?

A I know.

Q Were they?

A Yes.

Q Did you ever tell any police officer that you were only asked for \$7,500 total?

MR. KESSLER: Objection as to form.

THE COURT: Pardon?

MR. KESSLER: Objection as to form.

THE COURT: Sustained.

MR. SCHECHTER: Your Honor, can I have a side bar?

THE COURT: Yes.

(Whereupon, a discussion was held off the record, at the side bar, among the Court, defense counsel and the assistant district attorney.)

MR. SCHECHTER: Your Honor, I would ask

1 Jin Zho Liu - People - Cross 530

2 that the question be read back.

3 THE COURT: No. You rephrase it.

4 Q Did you ever tell any police officer on April
5 1st that the amount of money requested was \$7,500 total?

6 A Yes.

7 Q Did you ever tell any police officer that you
8 had put 7,500 -- that you were given the person who took
9 the money \$7,500?

10 MR. KESSLER: Objection.

11 THE COURT: Sustained. I don't
12 understand that question.

13 Q You said you went to 217 Henry Street.

14 A Yes.

15 Q And someone came and you gave them a package
16 with money in it?

17 A Yes.

18 Q Now, that package, did you ever tell any
19 police officer that there was \$7,500 in that package.

20 A Yes.

21 Q Now, when you went to 217 Henry Street, did
22 your brother Liu Guo Bang go with you?

23 A No.

24 Q Did anyone go with you at that time?

25 A Yes.

1 Jin Zho Liu - People - Cross 531

2 Q Who went with you?

3 A My brother and the police drove me to the
4 near area.

5 Q Excuse me?

6 THE INTERPRETER: To the near area.

7 Q But when you went to 217 Henry Street, were
8 you by yourself or were you with anyone else?

9 A No.

10 Q You were by yourself?

11 A With my brother.

12 Q Which brother?

13 MR. KESSLER: Objection as to relevance.

14 THE COURT: Is it relevant?

15 (Whereupon, a discussion was held off
16 the record, at the side bar, among the Court,
17 defense counsel and the assistant district
18 attorney.)

19 Q Which brother did you go with to 217 Henry
20 Street?

21 A With my older brother.

22 Q Okay. Will you look around the courtroom and
23 tell me if you see anyone -- if you see the gentleman
24 that you gave the package to in this courtroom? Look
25 all around the courtroom.

1 Jin Zho Liu - People - Cross 532

2 MR. KESSLER: I object to this.

3 THE COURT: Pardon me?

4 MR. KESSLER: I object.

5 THE COURT: Overruled.

6 A I'm not quite sure.

7 Q Do you believe you may see that person here?

8 MR. KESSLER: Objection.

9 THE COURT: Sustained.

10 MR. SCHECHTER: Your Honor, I believe I
11 should be allowed to explore it if she says
12 she's not sure.

13 THE COURT: Well, explore it, but on
14 that question, it's improper.

15 MR. KESSLER: Judge, I object and I want
16 to know if he has a good faith basis to
17 believe this person is even here.

18 THE COURT: Do you?

19 MR. SCHECHTER: Can we approach?

20 THE COURT: Yes.

21 (Whereupon, a discussion was held off
22 the record, at the side bar, among the Court,
23 defense counsel and the assistant district
24 attorney.)

25 Q Miss Liu, you're not sure whether this person

1 Jin Zho Liu - People - Redirect533

2 is in this courtroom or not?

3 MR. KESSLER: Objection.

4 THE COURT: Overruled.

5 A Not quite to identify him. I can't quite
6 identify him.

7 MR. SCHECHTER: I have nothing further.

8 THE COURT: Anything else?

9 REDIRECT EXAMINATION

10 BY MR. KESSLER:

11 Q How much money is with you when you go to
12 drop off the money at 217 Henry Street?

13 MR. SCHECHTER: Objection to gave.

14 THE COURT: Pardon me?

15 MR. SCHECHTER: Can I have the question
16 reread?

17 (Whereupon, the Court Reporter read back
18 the requested portion.)

19 Q How much money is with you when you go to 217
20 Henry Street?

21 A \$15,000.

22 Q And the police are with you when you go in
23 the area near 217 Henry Street?

24 A Yes.

25 Q Did you ever get together \$7,500 or was the

1 Jin Zho Liu - People - Redirect534

2 total amount 15,000?

3 A I did have \$15,000.

4 Q When the defense attorney was asking you if
5 you ever told anyone it was 7,500, who were you telling
6 it was 7,500 to?

7 A I asked her if the bag had \$7,500.

8 Q You asked who?

9 THE INTERPRETER: He asked me and I
10 asked her.

11 MR. KESSLER: I think there's a problem.

12 Q The amount of money that's in the bag, did
13 you ever tell anyone --

14 THE COURT: Excuse me a moment, please.
15 You have just got to ask exactly what the
16 attorneys ask and exactly what her answer
17 is. Don't have any other conversations or
18 colloquy with the witness.

19 Q The \$15,000 that's in the bag did the police
20 see that money?

21 A There were policemen in my apartment. The
22 police men did see it.

23 Q Did the policemen see all the money or did
24 you hide some from the policemen?

25 MR. SCHECHTER: Objection, your Honor.

Jin Zho Liu - People - Redirect535

THE COURT: Sustained.

Q Did the policemen see all the money?

MR. SCHECHTER: Objection, your Honor.

THE COURT: I don't know what the answer is.

MR. SCHECHTER: I'm objecting to the question.

THE COURT: No. Overruled. You can answer it.

THE INTERPRETER: Question again?

Q Did the policemen see all the money, all the \$15,000?

A Yes, he did.

Q When the defense attorney asked you if you ever told the police it was \$7,500, did you ever tell the police it was \$7,500 or did you tell them it was \$15,000?

MR. SCHECHTER: Objection, your Honor. It's a double question.

MR. KESSLER: It's an option, Judge. I want to know.

THE COURT: Ask two separate questions.

MR. SCHECHTER: Your Honor --

THE COURT: Please. I sustained the

1 Jin Zhu Liu - People - Recross536

2 objection. Ask one question.

3 MR. KESSLER: I'll ask it different.

4 Q Did you tell the police it was \$15,000?

5 A Yes.

6 Q Did you ever tell them it was any less amount
7 of money than that?

8 A No.

9 MR. KESSLER: Okay. I have nothing
10 further.

11 RECROSS-EXAMINATION

12 BY MR. SCHECHTER:

13 Q After you gave the package to that man, were
14 you present when -- when was the next time you saw any
15 money that was in?

16 MR. KESSLER: Judge, I object as beyond
17 the scope of redirect.

18 THE COURT: Pardon me?

19 MR. KESSLER: I object to beyond the
20 scope of redirect.

21 THE COURT: Step up.

22 (Whereupon, a discussion was held off
23 the record, at the side bar, among the Court,
24 defense counsel and the assistant district
25 attorney.)

1 Kurtz - People - Direct 537

2 MR. SCHECHTER: Your Honor, I'll
3 withdraw the question, your Honor.

4 MR. KESSLER: I have nothing further.

5 THE COURT: Anything else of this
6 witness?

7 MR. SCHECHTER: No.

8 THE COURT: All right. You can step
9 down. Call your next witness.

10 MR. KESSLER: People call Dr. Howard
11 Kurtz.

12 D R. H O W A R D K U R T Z, a witness called on
13 behalf of the People, after having been first duly
14 sworn by the Clerk of the Court, was examined and
15 testified as follows:

16 THE COURT: You may inquire.

17 DIRECT EXAMINATION

18 BY MR. KESSLER:

19 Q Dr. Kurtz, directing your attention to the
20 date of April 2nd, 1995 were you working on that day?

21 A Yes.

22 Q And what were your duties and
23 responsibilities on that day?

24 A Uhm, basically as a resident in obstetrics
25 and gynecology covering everything including the

1 Kurtz - People - Direct 538

2 emergency room.

3 MR. SCHECHTER: Your Honor, can you
4 speak a little louder?

5 THE WITNESS: Sure.

6 Q You were a resident at that time.

7 A Yes. I'm actually first year resident at New
8 York Downtown Hospital and basically you cover
9 everything including the emergency room.

10 Q Did there come a time on that date that you
11 had an opportunity to examine two women, specifically
12 Liu Yan Wu and Jin Hao Liu?

13 A Yes.

14 Q And as part of your examination on these
15 women, did you get an opportunity to do a rape kit on
16 them?

17 A Yes.

18 MR. SCHECHTER: Objection to the term
19 "rape kit."

20 THE COURT: Sustained.

21 Q Did you have any type of tests that you
22 performed on these women?

23 A Yes.

24 Q What is that called?

25 A We call it a rape kit.

1 Kurtz - People - Direct 539

2 Q And can you tell us basically what this rape
3 kit is and what you do to do this kit?

4 A Sure. Basically it contains approximately
5 about 10 or 12 different little envelopes in it and
6 basically the first thing you do when you take a look at
7 the patient take an overview look to look for any kinds
8 of bruises or scratches or anything like that and you
9 take a history and you sort of enter in the history.

10 Q On these two women we'll go step by step.
11 Did you do a basic physical exam?

12 A Yes.

13 Q Did you see any bruises or scratches on them?

14 A No.

15 Q Did you do a history?

16 A That was performed in conjunction with the
17 emergency room attending and translators.

18 Q Did there come a time that you did any other
19 tests as part of this rape kit?

20 A Sure.

21 Q Tell us basically what tests you did and if
22 you did them on both women or just one. Did you do each
23 of the tests on both women?

24 A Yes.

25 Q Tell us what tests you did on each of the

1 Kurtz - People - Direct 540

2 women.

3 MR. SCHECHTER: Let's go which woman
4 your Honor instead of on both.

5 THE COURT: Is that what you would like?

6 MR. SCHECHTER: Yes.

7 THE COURT: Then let's do it that way.

8 MR. SCHECHTER: Thank you.

9 A Well, basically the kit is the same for
10 either one so the test would be the same. I'll tell you
11 what I did on each woman then.

12 Basically you have the woman stand up on sort of a
13 little piece of paper and that's for collecting any kind
14 of debris that would be on them. You then take that
15 piece of paper, put it into an envelope, seal it, sign
16 your name and put it inside the kit.

17 Q Did you do that on each of these?

18 A Correct.

19 Q Then what did you do?

20 A Some of the other things that you do is you
21 take fingernail scrapings. Once again you seal that in
22 the envelope, sign your name, put it in the kit. You
23 then do vaginal swabs, you do rectal swabs, you do oral
24 swabs, you take a blood sample.

25 Q Let's go to the swabs for one minute.

Kurtz - People - Direct 541

Describe for us what you mean by oral swabs, rectal swabs and vaginal swabs.

A Okay. Basically they're little Q-tips and if you do a rectal swab, you stick it in the rectum and put it inside the little kit once again and seal the envelope.

Other thing you do is you take pubic hair samples. You take hair from the head samples. You put this all in the envelope, sign your name and then hand it over to the police officer.

Q Now, on each of these women Liu Yan Wu and Jin Hao Liu did you do each of those swabs on each of them?

A Correct.

Q And did you seal each of the rape kits after you performed them?

A Yes.

Q Did you take any clothing from the women?

A I believe we took panties from both of the women.

Q And what's the purpose of taking the panties?

MR. SCHECHTER: Objection.

THE COURT: Overruled. If you know.

A Well, if there's any kind of semen or inside

1 Kurtz - People - Direct 542

2 the panties and stuff like that you'd be able to find
3 that.

4 Q Had you ever met any of these women before?

5 A Before that day, no.

6 Q And did they agree to each of the tests that
7 you performed on them?

8 A Yes.

9 Q And was there a woman in the room with you at
10 the time?

11 A Yes.

12 Q And is that required by your hospital?

13 A Uhm, that is common practice of every
14 obstetrician and gynecologist when you're examining a
15 female patient.

16 Q And these kits that you handed over to the
17 police, did you ever see either of these again, the
18 kits?

19 A No.

20 Q Or find out the results?

21 A No.

22 MR. KESSLER: I have nothing further.

23 CROSS-EXAMINATION

24 BY MR. SCHECHTER:

25 Q Dr. Kurtz, in April -- what's your specialty

Kurtz - People - Cross 543

1
2 and what were you studying when you were a resident?

3 A I'm studying obstetrics and gynecology.

4 Q And what year resident were you in April of
5 1995?

6 A First year.

7 Q And prior to that date, how many of these so
8 called tests had you performed?

9 A Approximately 10.

10 Q Was the police officer in the room when you
11 did these tests?

12 A No.

13 Q Do you know where he was?

14 A I believe he was in the waiting area.

15 Q And did you have any conversation with either
16 of the two women?

17 A Through interpreter.

18 Q Were you the one who filled out the chart?

19 A Most of the history was filled out by the
20 emergency room attending. I just filled out my consult
21 sort of part, physical and the kit.

22 Q And besides from what you filled out on the
23 medical records, did you take any notes or make any
24 notes or memorandum that were not included in the chart.

25 A No.

1 Hickey - People - Direct 544

2 MR. SCHECHTER: I have nothing further.

3 THE COURT: Anything

4 else?

5 MR. KESSLER: Thank you, doctor.

6 THE COURT: Okay. You can step down.

7 Thank you.

8 MR. KESSLER: People call Thomas Hickey.

9 T H O M A S H I C K E Y, a witness called on behalf of
10 the People, after having been first duly sworn by the
11 Clerk of the Court, was examined and testified as
12 follows:

13 THE COURT: You may inquire.

14 DIRECT EXAMINATION

15 BY MR. KESSLER:

16 Q Mr. Hickey, can you tell us what you do for a
17 living?

18 A I'm a chemist currently employed by the New
19 York City Police Department.

20 Q How long have you been a chemist for the New
21 York City Police Department?

22 A This August will be seven years.

23 Q And what are your general duties and
24 responsibilities as a chemist with the New York City
25 police department?

1 Hickey - People - Direct 545

2 A I am currently assigned to the serology
3 section and my duties include the examination of
4 evidence for the presence of assorted bodies fluids.

5 Q Is semen one of the assorted body fluids you
6 look for the presence of?

7 A Yes, it is.

8 Q Mr. Hickey, did there come a time that you
9 examined what's called a rape kit on an individual named
10 Liu Yan Wu?

11 A Yes, I did.

12 Q Can you tell us what date that was?

13 A There was two cases. Can I check my notes on
14 that particular one?

15 THE COURT: Yes, if you need to refresh
16 your recollection.

17 MR. SCHECHTER: Your Honor, can I have a
18 side bar before?

19 (Whereupon, a discussion was held off
20 the record, at the side bar, among the Court,
21 defense counsel and the assistant district
22 attorney.)

23 THE COURT: We'll take a short recess at
24 this time. Don't discuss the case with
25 anyone or among yourselves. Don't let anyone

Hickey - People - Direct 546

discuss it with you.

(Whereupon, the jury left the courtroom.)

THE COURT: Jury has left the courtroom. You can step down. How long will you need?

MR. KESSLER: Five minutes.

THE COURT: Five minutes.

(Whereupon, a brief recess was taken.)

THE CLERK: 3282 of '95, case on trial continues, Hai Guang Zheng. Let the record indicate the presence of the defendant, official Mandarin Interpreter, defense counsel and the assistant district attorney. Any applications?

MR. SCHECHTER: Yes. Your Honor, first I would ask that the witness be excused.

THE COURT: Step out.

MR. SCHECHTER: Your Honor, I've been given two police lab information analysis reports, both prepared by Thomas Hickey; one for Jin Hao Liu, the other for Liu Yan Wu who would be the two complaining witnesses in this case and both of them show that there were tests for swabs and smears. One was

1 Hickey - People - Direct 547

2 negative for spermatozoa, one was positive.

3 Also, I believe the district attorney
4 will then attempt to bring in panties that
5 tested positive for the presence of
6 spermatozoa that chemist Hickey did. I'm
7 objecting to all of this for one reason.
8 There's been no showing up to this time, your
9 Honor, especially as to the panties, whose
10 panties they are, when they were, normally
11 what should happen if the district attorney
12 wants to bring this evidence in.

13 MR. KESSLER: I object to normally what
14 would happen, what could happen in other
15 cases.

16 MR. SCHECHTER: Well, under our rules of
17 evidence.

18 THE COURT: Whose rules? Yours?

19 MR. SCHECHTER: No, New York State. The
20 district attorney would have to lay a
21 foundation prior to a chemist looking at
22 evidence and saying what his test results
23 were. The victim would have to testify that
24 that's her panties. As to the swabs, the
25 doctor would have to show that these were the

1 Hickey - People - Direct 548

2 same ones and identify them and then a chain
3 of custody, your Honor. Nothing's been done
4 here and I'm objecting to this witness
5 testifying to anything concerning any panties
6 or any vaginal smears without the proper --

7 THE COURT: You want him to testify that
8 the smear was their smear?

9 MR. SCHECHTER: I'm not -- you know,
10 that he received the smear and that --

11 THE COURT: That who received the smear?

12 MR. SCHECHTER: That he received it.

13 THE COURT: Who's he?

14 MR. SCHECHTER: The chemist.

15 THE COURT: He's going to testify to
16 that, I presume.

17 MR. SCHECHTER: Before that, I would
18 need the doctor who took the smear.

19 THE COURT: He was on the stand.

20 MR. SCHECHTER: But he was never asked
21 if these --

22 THE COURT: He said he took the smears,
23 put them into sealed envelopes and gave them
24 to the cop.

25 MR. SCHECHTER: Right, but what should

Hickey - People - Direct 549

have been asked of him and should have been marked in evidence was this the smear that you took and he looked at it and his initials and he could say yes.

THE COURT: Want to respond to that?

MR. KESSLER: I guess, Judge, the only thing I'm responding is the doctor indicated he took smears from each of the women, took their panties and put them in each rape kit, sealed them, handed them to a police officer. That's all he did. The police officer is going to testify he took the kits and brought it to this chemist. The chemist is going to say he opens up the kits, takes a look at the smears and says yes, no, positive, negative whatever he finds. He then seals it again and know its brought back to the property clerk and now it's here.

MR. SCHECHTER: There's a proper way to do things.

THE COURT: Only one proper way?

MR. SCHECHTER: No, maybe more, but when you're dealing with evidence, your Honor, there must be a chain of custody.

1 Hickey - People - Direct 550

2 THE COURT: Well, so far, I see a chain
3 of custody. I have a police -- I have a
4 doctor who testifies to what he did. He
5 testified he sealed it. District attorney
6 said he's going to put a police officer on
7 the stand who's going to testify. He
8 attained these two sealed rape kits and
9 brought them to a chemist. The chemist,
10 being called out of turn, is going to testify
11 to what he did. What more chain of custody
12 do you need than that?

13 MR. SCHECHTER: As to the panties, your
14 Honor, the individual women have to identify
15 them.

16 THE COURT: Well, I don't think they
17 have to identify them.

18 MR. SCHECHTER: Respectfully --

19 THE COURT: The doctor said he took
20 panties from each one and put them into the
21 rape kit.

22 MR. SCHECHTER: But there's been no
23 testimony that those were the same panties
24 that were being worn by the women at the time
25 that these incidents allegedly happened.

1 Hickey - People - Direct 551

2 MR. KESSLER: Judge, again, he's talking
3 about arguments he can make to the jury on
4 summation. It is not chain of custody; does
5 not go to admissibility. It goes to weight
6 and if he wants to argue there's no weight to
7 be given THIS evidence, he can argue it.

8 THE COURT: I'm going to allow it. Your
9 exception IS noted.

10 MR. SCHECHTER: Respectfully excepted.

11 THE COURT: All right. Let's go. Bring
12 your witnesses back in. Please bring the
13 jury in after the witness is on the witness
14 stand.

15 (Whereupon, the jury entered the
16 courtroom.)

17 THE CLERK: Case on trial continued.
18 Let the record reflect the presence of the
19 defendant, defense attorney, assistant
20 district attorney, official Mandarin
21 interpreter, 12 regular, four alternates
22 properly seated. All sides waive formal
23 reading once again?

24 MR. KESSLER: So waived.

25 MR. SCHECHTER: Yes.

1 Hickey - People - Direct 552

2 THE CLERK: Sir, you were previously
3 sworn by the Court. You're reminded still
4 under oath. Do you understand that?

5 THE WITNESS: Yes.

6 THE COURT: You may continue.

7 Q Mr. Hickey, I was asking you about rape kits
8 that you received in connection with this case.

9 MR. KESSLER: Why don't we do this?
10 Can I mark these People's 3 and 4 for
11 identification, your Honor?

12 THE COURT: Mark it 3 and 4 for
13 identification.

14 (Whereupon, People's Exhibits
15 3 and 4 were marked for identification.)

16 MR. SCHECHTER: I would just ask which
17 person is 3 and which person
18 is 4.

19 THE COURT: I'll do that at the proper
20 time.

21 MR. KESSLER: Can you hand the
22 witness number 3?

23 Q Mr. Hickey, could you identify what rape kit
24 number 3 is for?

25 A It was kit received by the lab on April 2nd,

Hickey - People - Direct 553

1995 given lab number 95-1251 under voucher number
548064.

Q And is there a woman's name on the kit?

A Yes, there is.

Q Could you tell us which woman?

A Last name Wu, W-U.

Q Did you receive that kit?

A Yes, I did.

Q And did you perform an examination on that
kit?

A Yes, I did.

Q And after you were done with your
examination, what did you do with the kit?

A Proceeded to seal it with tape that's on it
and return it back to the evidence desk at the lab.

Q Did you put any initials on it when you
sealed it?

A Yes, I did.

Q Are they on there now?

A Yes, they are.

Q Could you tell us did you perform an
examination on that kit?

A Yes, I did.

Q Can you tell us what day that occurred?

Hickey - People - Direct 554

A April 11th, 1995.

Q Now, could you tell us what you examined initially -- what's inside the kit when you examine it?

A The kit contains evidence collected at the hospital by the physician who examines the patient. Inside is an assortment of swabs and slides, hair samples, blood samples, saliva samples and other assorted evidence taken at the hospital.

Q And are each of those marked?

A Yes, they are. They're sealed in individual envelopes.

Q And are the individuals marked as to what they are?

A Yes, they are.

Q As to Miss Wu, did you look at the -- are they marked on envelopes?

A Yes, they are.

Q Okay. Did you look at the envelope marked vaginal swabs?

A The vaginal swabs and smears are packaged together so yes I looked at the swabs and smears, yes.

Q When you say you looked at them, could you describe for the jury what you did with regards to the ones labeled vaginal swabs and smears?

Hickey - People - Direct 555

1
2 A My first step is to remove the smears that
3 are present. There's usually just glass microscopic
4 slides, label them as to which samples they are. Then I
5 proceeded with my analysis which includes staining the
6 slides with a biological stain. Then drying the slides
7 and observing them under the microscope for the presence
8 of spermatozoa.

9 Q What if anything did you observe about Miss
10 Wu's vaginal swabs and/or smears?

11 MR. SCHECHTER: Objection.

12 THE COURT: Pardon me?

13 MR. SCHECHTER: Objection. Can we have
14 a side bar?

15 THE COURT: Yes.

16 (Whereupon, a discussion was held off
17 the record, at the side bar, among the Court,
18 defense counsel and the assistant district
19 attorney.)

20 Q Have you ever performed an examination on
21 vaginal swabs or smears prior to this date?

22 A Yes, I have.

23 Q About how many times have you performed
24 vaginal examination on vaginal swabs or smears prior to
25 this date?

Hickey - People - Direct 556

A I would estimate I've examined over 500 of these kits.

Q What type of training do you have and background regarding serology?

A At the lab itself, I received an approximate three month period where we were given classroom work and then practical laboratory work where we were given known and unknown samples to analyze which included slides.

Q Do you have any degree outside of high school?

A Yes, I do.

Q And what degree do you have?

A A Bachelor of Science Degree in chemistry from Long Island University, South Hampton College.

Q Back now to the vaginal swabs of Miss Wu, did you perform an examination with regard to the vaginal swabs of Miss Wu?

A Yes, I did.

Q And what if anything did you observe?

A May I look at my notes?

THE COURT: You can refresh your recollection.

A Cause there's two different cases.

1 Hickey - People - Direct 557

2 MR. SCHECHTER: Your Honor, I would
3 still object.

4 THE COURT: Overruled.

5 A Okay.

6 Q Is your recollection refreshed?

7 A Yes, it is.

8 Q What if anything did you observe?

9 A That the slides tested positive for the
10 presence of spermatozoa.

11 Q When you say tested positive, can you
12 describe what you did and what you saw?

13 A Upon staining these slides and observing
14 under a microscope, I saw sperm cells.

15 Q Now, did you also test the panties -- was
16 there underwear in the kit labeled Miss Wu?

17 A Yes, there was.

18 Q Did you test those as well?

19 A Yes, I did.

20 Q Describe what you did with those underwear
21 and exactly what if anything you saw?

22 A First step is to do a visual examination of
23 the item to look for any visual stains. Any stains that
24 are seen are marked and then I proceeded with my
25 analysis which is to cut a small piece of the stain out,

Hickey - People - Direct 558

place it in a clear test tube, add a clear reagent and look for a color change to a dark purple color. There's a presumptive test for the presence of semen. If you see this dark purple color, you proceed to your next step which is to take that same piece of sample that you cut out with a scalpel, scrape it onto a microscopic slide, dry that slide and then proceed with the same procedure as before with staining the slide and looking under the microscope for the presence of sperm cells.

Q Describe for us what if anything you saw with regard -- did you take a sample of the panties under that Vitullo kit?

A Yes, I did.

Q Describe for us what if anything you saw and what you did with the sample you took?

A The sample that I tested tested positive for spermatozoa.

Q When you say tested positive, what did you see?

A I saw sperm cells.

Q Where did you see them?

A On the slides that I made from the cutting from the item itself.

Q Now, were there swabs taken and marked anal

Hickey - People - Direct 559

swabs and oral swabs?

A Yes there were.

Q Did you examine them as well?

A I examined both the swabs and smears of the marked anal and oral.

Q Did you see any spermatozoa in those?

A No, I did not.

Q Now, the other kit labeled Miss Liu, did you examine that kit as well? Can we show the witness People's I think it's 4?

A Yes, I did.

Q Okay. And did you examine the envelope labeled vaginal and -- vaginal swabs and smears?

A Yes, I did.

Q Could you describe for us what if anything you observed about those findings?

A I did not observe any sperm cells.

Q What about the anal and oral swabs? Did you see any sperm cells regarding this?

A No, I did not.

Q Was there any underwear or panties in that rape kit?

A Yes, there were.

Q Did you test those?

Hickey - People - Direct 560

A Yes, I did.

Q Okay. And did you perform the same tests and you did on the other underwear you took previously?

A Yes, I did.

Q Can you tell us the findings if anything that you observed and what you did and what if anything you saw?

A I did the same testing and observed the presence of sperm cells.

Q After you performed all your tests on both of the kits, what did you do with the kits?

A I proceeded to seal up the evidence in the envelopes that they came in and proceeded to seal the kit up with the tape, label it with my initials, the lab number, voucher number and then I proceeded to return it eventually to the evidence desk at the lab.

Q Have you ever testified in a courtroom before?

A Yes, I have.

Q Ever been declared an expert in any field?

A Yes, I have.

Q What fields are you declared an expert.

A Forensic serology and as a chemist for -- how do they phrase that, examination of controlled substance

1 Hickey - People - Cross 561

2 and narcotics.

3 Q Of the 500 kits that you have examined, about
4 what percentage of the kits would you estimate for us
5 come back positive for vaginals?

6 MR. SCHECHTER: Objection.

7 THE COURT: Sustained.

8 MR. KESSLER: I have nothing further
9 then at this point.

10 CROSS-EXAMINATION

11 BY MR. SCHECHTER:

12 Q Mr. Hickey can I see your notes?

13 A Sure.

14 Q Now, with the vaginal smear, did you put any
15 chemicals on it when you were examining it under the
16 microscope?

17 A While under the microscope itself?

18 Q Prior to putting it, placing the smear on a
19 slide.

20 A To prepare it, we add alcohol, methanol to
21 the slide to fix it and then we add the stain which is a
22 Giesma stain.

23 Q And that's for the vaginal smears?

24 A That's a -- yes, a differential stain that we
25 use to determine the sperm cells.